214

THE STATUTES AT LARGE,

PASSED IN THE

PARLIAMENTS

HELD IN

IRELAND:

FROM

The Third Year of EDWARD the Second, A. D. 1310,

TO

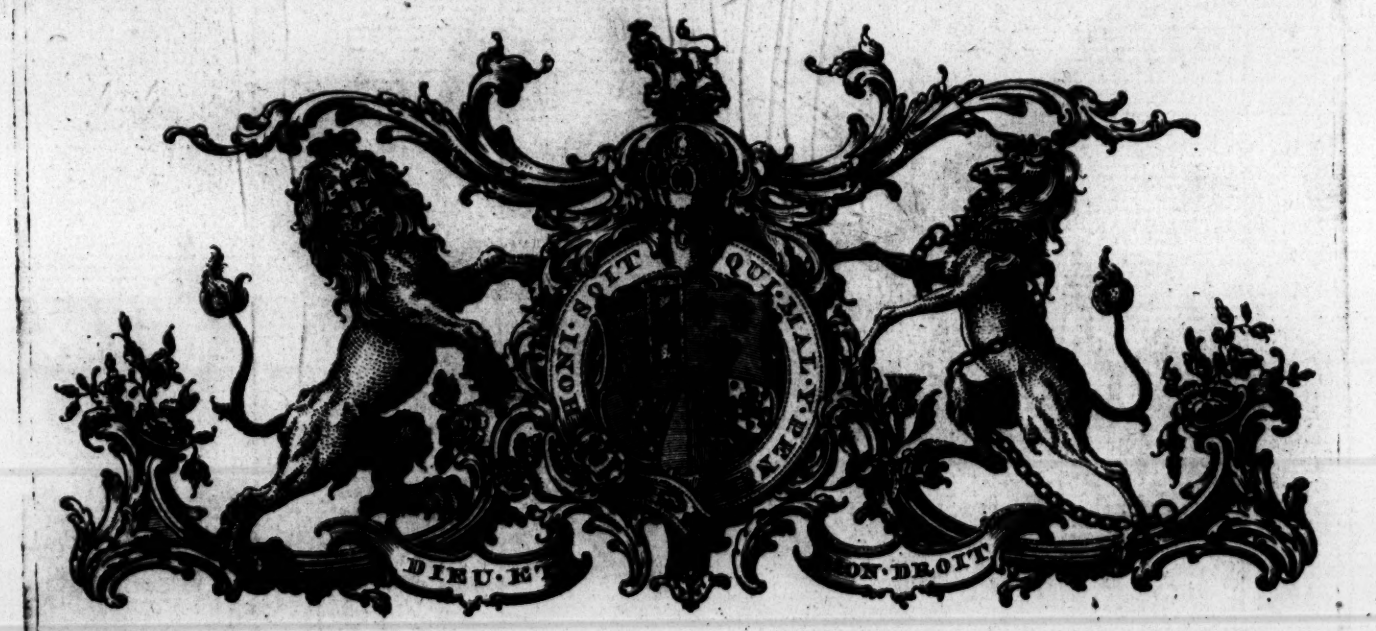
The First Year of GEORGE the Third, A. D. 1761 inclusive.

WITH

MARGINAL NOTES, and a Compleat INDEX to the Whole.

PUBLISHED BY AUTHORITY.

IN EIGHT VOLUMES.



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ENGRAVINGS,

FROM

ORIGINAL PICTURES, AND A COPIOUS INDEX OF THE WHOLE,

BY

THE REV. JOHN TRUSLER, A.M. VICAR OF CHISWICK AND TURNHAM GREEN.

THE SECOND EDITION, CORRECTED AND IMPROVED.

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HELD IN

PARLIAMENT

PASSED IN THE

YEAR 1790,

FOR

STATUTES

THE

THE

STATUTES

AT LARGE,

PASSED IN THE

PARLIAMENTS

HELD IN

IRELAND.

VOL. IV.

Containing from the Second Year of ANNE, A. D. 1703,
to the Sixth Year of GEORGE the First,
A. D. 1719 inclusive.

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THE CONTENTS

OF THE FOURTH VOLUME.

The second year of *Anne*.

CHAP. I.

AN act for an additional duty of excise upon beer, ale, and other liquors. Page 1

CHAP. II.

An act for encouraging the importation of iron and staves. 3

CHAP. III.

An act to prevent popish priests from coming into this kingdom. Page 5.

CHAP. IV.

An act for continuing the additional duty of excise on beer, ale, and other liquors: and for granting an additional duty on tobacco, and several other goods and merchandizes: and also a tax of four shillings in the pound on several pensions and grants therein mentioned: and for building of barracks in the city of Dublin. 7

CHAP. V.

An act to make it high treason in this kingdom to impeach the succession of the crown, as limited by several acts of Parliament. 11

CHAP. VI.

An act to prevent the further growth of popery. 12

CHAP. VII.

An act for registering the popish clergy. 31

CHAP. VIII.

An act for quieting possessions, and disposing of the undisposed and plus acres. 33

CHAP. IX.

An act for quieting ecclesiastical persons in their possessions. 35

CHAP. X.

An act for the exchange of glebes belonging to churches in this kingdom. 37

CHAP. XI.

An act for building ſeveral pariſh-churches in more convenient places. 39

CHAP. XII.

An act for the reviving an act for taking away the benefit of clergy in ſome caſes; and for tranſporting felons. 44

CHAP. XIII.

An act for continuing two acts againſt tories, robbers, and rapparees. 48

CHAP. XIV.

An act for naturalizing of all Proteſtant ſtrangers in this kingdom. *ibid.*

CHAP. XV.

An act to prohibit butchers from being graziers, and to redreſs ſeveral abuſes in buying and ſelling of cattle; and in the ſlaughtering and packing of beef, tallow, and hides. 51

CHAP. XVI.

An act for reducing of intereſt of money to eight per cent for the future. 57

CHAP.

CONTENTS

CHAP. XVII.

An act to supply the defects of an act past in the ſeventh year of the late King William, *intituled*, An act for the better regulating of meaſures in and throughout this kingdom. Page 58

CHAP. XVIII.

An act for the recovery of ſmall debts, in a ſummary way before the judges of aſſize. 59

CHAP. XIX.

¶ An act for erecting a workhouſe in the city of Dublin for imploying and maintaining the poor thereof. 62

The fourth year of *Anne*.

CHAP. I.

An act for granting to her Majeſty an additional duty on beer, ale, ſtrong waters, tobacco, callicoes, linnens, muſlins, and other goods and merchandizes. 69

CHAP. II.

An act to explain and amend an act, *intituled*, An act for regiſtring the popiſh clergy. 71

CHAP. III.

An act to repeal an act, *intituled*, An act for the advancement of the trade of linnen manufacture. 72

CHAP.

CHAP. IV.

An act for the improvement of the hempen and flaxen manufactures in this kingdom. Page 73

CHAP. V.

An act for relief of creditors againſt fraudulent deviſes. 76

CHAP. VI.

An act to prevent the illegal raiſing of money by grand juries, and the miſapplying of money legally raiſed; and for the better execution of an act for the mending the high ways by ſix days labour: and for the appointing overſeers of the high ways by the juſtices at their ſeſſions, in default of naming them by the reſpective pariſhes. 78

CHAP. VII.

An act for leſſening the duty of rape-ſeed to be exported. 81

CHAP. VIII.

An act to regulate the taking and exacting tolls throughout this kingdom; and to prevent ingroſſing coals in the city of Dublin. 82

CHAP. IX.

An act for explaining and putting in execution an act for planting and preſerving timber-trees and woods; and for explaining and putting in execution an act to avoid and prevent divers miſdemeanors in idle and lewd perſons in barking of trees. 86

CHAP. X.

An act to prevent fees being taken in certain cafes. Page 90

CHAP. XI.

An act againſt horſe-ſtealing, and to prevent the buying and ſelling of ſtolen horſes; and for puniſhing all acceſſaries to felons. 91

CHAP. XII.

An act to repeal the ſtatute made in the fifth of Henry the fourth, againſt multiplying gold and ſilver; and to prevent diſputes and controverſies concerning royal mines. 95

CHAP. XIII.

An act for the relief of poor priſoners for debt. 99

CHAP. XIV.

An act for regulating the weights uſed in this kingdom: and that ſalt and meal ſhall be ſold by weight. 102

The ſixth year of *Anne*.

CHAP. I.

An act for granting to her Majeſty an additional duty on beer, ale, ſtrong waters, tobacco, callicoes, linens, muſlins, and other goods and merchandizes. 109

CHAP. II.

An act for the publick regiſtring of all deeds, conveyances and wills that ſhall be made of any honors, manors, lands, tenements, or hereditaments. Page 112

CHAP. III.

An act for continuing an act made in the ninth year of the reign of the late King William, *intituled*, An act for the more eaſie obtaining partitions of lands in coparcenary, joint-tenancy, and tenancy in common, and bounding and mearing of lands. 119

CHAP. IV.

An act to prevent the deſtroying and murthering of baſtard children. 120

CHAP. V.

An act for the amending and continuing an act made in the ſecond year of the reign of her moſt excellent Majeſty, *intituled*, An act for the recovery of ſmall debts in a ſummary way before the judges of aſſize. *ibid.*

CHAP. VI.

An act to explain and amend an act, *intituled*, An act to prevent papiſts being ſollicitors. 121

CHAP. VII.

An act for leſſening ſheriffs fees on executions. 126

CHAP. VIII.

An act for explaining and limiting the privileges of Parliament. 129

CHAP.

CHAP. IX.

An act for the encouragement and improvement of the hempen and flaxen manufacture. Page 132

CHAP. X.

An act for the amendment of the law, and the better advancement of juſtice. 137

CHAP. XI.

An act for explaining and amending two ſeveral acts againſt tories, robbers, and rapparees. 144

CHAP. XII.

An act for the continuing and perpetuating of divers laws and ſtatutes heretofore temporary, and for amending of the law in relation to butter caſks. 146

CHAP. XIII.

An act to impower juſtices of the peace to determine diſputes about ſervants wages; and to oblige maſters to pay the ſame; and to puniſh idle and diſorderly ſervants. 148

CHAP. XIV.

An act to prevent the diſorders that may happen by the marching of ſoldiers, and for providing carriages for the baggage of ſoldiers in their march. 152

CHAP. XV.

An act to ſupply the defects, and for the better execution of an act, *entituled*, An act for the avoiding of privy and ſecret outlawries of his Majeſty's ſubjects in perſonal actions. 158

CHAP.

CHAP. XVI.

An act for the more effectual preventing the taking away and marrying children againſt the wills of their parents or guardians. Page 161

CHAP. XVII.

An act for ſuppreſſing lotteries and gaming-tables. 166

CHAP. XVIII.

An act for encouraging the exportation of corn. 168

CHAP. XIX.

An act for ſettling and preſerving a publick library for ever, in the houſe for that purpoſe built by his grace Narciſſus, now lord archbiſhop of Armagh, on part of the ground belonging to the archbiſhop of Dublin's palace, near to the city of Dublin. 169

CHAP. XX.

An act for cleanſing the port, harbour, and river of Dublin, and for erecting a ballaſt-office in the ſaid city. 179

The eighth year of *Anne*.

CHAP. I.

An act for the better ſecuring to her Majeſty the payment of ſuch duties as ſhall be granted to her Majeſty this ſeſſion of Parliament. Page 187

CHAP. II.

An act for granting to her Majesty an additional duty on beer, ale, strong-waters, tobacco, callicoes, linnens, and other goods and merchandizes; and also a duty on rock-salt. Page 188

CHAP. III.

An act for explaining and amending an act, *intituled*, An act to prevent the further growth of popery. 190

CHAP. IV.

An act to enable posthumous children to take estates, as if born in their father's life-time. 216

CHAP. V.

An act to prevent delays of proceedings at the assizes and sessions. 217

CHAP. VI.

An act for the better preventing the counterfeiting the current coin of this kingdom. 219

CHAP. VII.

An act for the better preventing escapes out of the prison of the Marshalsea of the Four courts. 225

CHAP. VIII.

An act for the encouraging the discovery and apprehending of house-breakers. 229

CHAP.

CHAP. IX.

An act for delivering declarations to prisoners. Page 232

CHAP. X.

An act for amending an act, *intituled*, An act for the publick regiſtring of all deeds, conveyances, and wills, that ſhall be made of any honors, manors, lands, tenements, or hereditaments. 233

CHAP. XI.

An act for the better payment of inland bills of exchange, and for making promiſſary notes more obligatory. 236

CHAP. XII.

An act to amend the defects of ſuch acts as have been made relating to the hempen and flaxen manufactures, and to encourage the further improvement thereof. 240

CHAP. XIII.

An act for diſſolving the union of the pariſhes of Tynan and Derrynooſe, and for building ſeveral pariſh-churches in more convenient places in the dioceſs of Armagh. 242

The

The ninth year of *Anne*.

CHAP. I.

An act for the better ſecuring to her Majeſty the payment of ſuch duties as ſhall be granted to her Majeſty this ſeſſion of Parliament. Page 251

CHAP. II.

An act for granting to her Majeſty an additional duty on beer, ale, ſtrong-waters, tobacco, and other goods and merchandizes. 252

CHAP. III.

An act to enforce ſuch acts as have been made for the improvement of the linnen-manufacture, and for a further regulation of the ſame. 254

CHAP. IV.

An act for bringing an appeal in caſe of murder, notwithſtanding the ſtatute of the tenth of King Henry the ſeventh, whereby murder is made high treaſon 257

CHAP. V.

An act for the further explaining and putting in execution *An act for planting and preſerving timber trees and woods.* 258

CHAP. VI.

An act for taking away the benefit of clergy in certain caſes; and for taking away the book in all caſes; and for repealing part of the ſtatute *for tranſporting felons.* 260

CHAP.

CHAP. VII.

An act for amending and making perpetual an act, *intituled*, An act to prohibit butchers from being graziers, and to redreſs ſeveral abuſes in buying and ſelling of cattle, and in the ſlaughtering and packing of beef, tallow, and hides. Page 264

CHAP. VIII.

An act for the better ſecuring of rents, and to prevent frauds committed by tenants. 265

CHAP. IX.

An act for the amending of the high ways and roads in this kingdom, and for the application of the ſix days labour. 268

CHAP. X.

An act for the relief of inſolvent debtors now in confinement. 272

CHAP. XI.

An act to prevent the maiming of cattle. 276

CHAP. XII.

An act for uniting ſeveral pariſhes, and building ſeveral pariſh-churches in more convenient places. 277

The eleventh year of *Anne*.

CHAP. I.

An act for granting to her Majesty an additional duty on beer, ale, strong waters, tobacco, and other goods and merchandizes. Page 291

CHAP. II.

An act for the more effectual preventing of frauds committed by tenants. 293

CHAP. III.

An act to enable guardians and others to renew leases for lives. 297

CHAP. IV.

An act for the more effectual preventing the ingrossing, forestalling, and regrating of coals, imported into this kingdom. 299

CHAP. V.

An act for the better preventing of excessive and deceitful gaming. 301

CHAP. VI.

An act for suppressing lotteries. 305

CHAP.

CHAP. VII.

An act for the better preſervation of the game. Page 307

CHAP. VIII.

An act for explaining and amending ſeveral ſtatutes, for prohibiting under-ſheriffs and ſheriffs-clerks from officiating as ſub-ſheriffs or ſheriffs-clerks more than one year. 309

The ſecond year of *George* I.

CHAP. I.

An act for granting to his Majeſty an additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes. 315

CHAP. II.

An act for recognizing his Majeſty's title to the throne of Great-Britain, France, and Ireland. 317

CHAP. III.

An act for granting to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo a tax on ſallaries, profits of imployments, fees, and penſions therein mentioned. 318

CHAP. IV.

An act to attaint the perſon who, during the life of the late King James, took upon him the ſtile and title of prince of Wales, and ſince the deceaſe of the ſaid late King James hath aſſumed the name and title of James the third, King of England and Ireland, and James the eighth King of Scotland, commonly called, the Chevalier de St. George, or the pretender, and all his adherents, and to give a reward of fifty thouſand pounds *ſterl.* to any perſon, who ſhall ſeize and ſecure the ſaid pretender, if he lands, or attempts to land, in this kingdom. Page 321

CHAP. V.

An act for preventing miſchiefs that may happen by fire. 323

CHAP. VI.

An act to enable infants, who are ſeized or poſſeſſed of eſtates in fee, in truſt, or by way of mortgage, to make conveyances of ſuch eſtates. 324

CHAP. VII.

An act for continuing to his Majeſty the additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes. 325

CHAP. VIII.

An act for extinguiſhing the regalities and liberties of the county of Tipperary, and Croſs-Tipperary, commonly called the county Palatine of Tipperary; and for veſting in his Majeſty the eſtate of James Butler, commonly called James duke of Ormond; and for giving a reward of ten thouſand pounds to any perſon, who ſhall ſeize or ſecure him, in caſe he ſhall attempt to land in this kingdom. 327

CHAP.

CHAP. IX.

An act to make the militia of this kingdom more useful. Page 333

CHAP. X.

An act to restrain papists from being high or petty constables, and for the better regulating the parish watches. 342

CHAP. XI.

An act for reviving and amending an act, *intituled*, An act for recovery of small debts in a summary way, before the judges of assize. 349

CHAP. XII.

An act to encourage the draining and improving of the bogs, and unprofitable low grounds; and for easing and dispatching the inland carriage, and conveyance of goods, from one part to another within this kingdom. 356

CHAP. XIII.

An act for continuing the encouragement given by former acts of Parliament to the flaxen and hempen manufactures, and for the further improvement and regulation of the same. 378

CHAP. XIV.

An act for real union and division of parishes. 383

CHAP. XV.

An act for confirming the ſeveral grants made by her late Majeſty of the firſt fruits and twentieth parts, payable out of the eccleſiaſtical benefices in this kingdom; and alſo for giving the archbiſhops, biſhops, and other eccleſiaſtical perſons, four years time for the payment of firſt fruits. Page 390

CHAP. XVI.

An act for the more effectual amendment of the law in relation to butter and tallow casks, and of an act for planting and preſerving timber-trees and woods; and of another act for prohibiting butchers from being graziers, and to redreſs ſeveral abuſes in buying and ſelling of cattle, and in the ſlaughtering and packing of beef, tallow, and hides. 393

CHAP. XVII.

An act to impower juſtices of the peace to determine diſputes about ſervants, artificers, day-labourers, wages, and other ſmall demands, and to oblige maſters to pay the ſame, and to puniſh idle and diſorderly ſervants. 401

CHAP. XVIII.

An act for preventing abuſes and deceits in his Majeſty's revenue, by the importing of brandy in ſmall quantities. 413

CHAP. XIX.

An act for the more effectual preventing fraudulent conveyances, in order to multiply votes for electing members to ſerve in Parliament; and for preventing the irregular proceedings of ſheriffs, and other officers in electing and returning ſuch members. *ibid.*

CHAP.

CHAP. XX.

An act to limit the time for criminal profecutions for words ſpoken. Page 419

CHAP. XXI.

An act to prevent the deſtruction of ſalmon fry, and better preſerving the ſalmon fiſhing in this kingdom. 420

CHAP. XXII.

An act for making more effectual an act, *intituled*, An act to prevent the maiming of cattle 422

CHAP. XXIII.

An act for the relief of inſolvent debtors. 423

CHAP. XXIV.

An act for changing the ſcite and new building of the pariſh-church of St. Werburg's in the city of Dublin. 427

The fourth year of *George* I.

CHAP. I.

An act for continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes. 431

CHAP.

CONTENTS

CHAP. II.

An act for continuing to his Majesty an additional duty on all wines and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine; and also a tax on all salaries, profits of imployments, fees, and pensions therein mentioned; and for granting a further additional duty on ale, beer, and strong waters, and spirits perfectly made, and upon all spirits made and distilled of wine; and for securing the re-payment of fifty thousand pounds *sterl.* formerly advanced unto his Majesty for the use of the publick, together with the interest thereof. Page 433

CHAP. III.

An act for taking away the oath, commonly called the little oath, on members of corporations by the new rules. 438

CHAP. IV.

An act for the preserving of all such ships and goods thereof, which shall happen to be forced on shore, or stranded upon the coasts of this kingdom. 440

CHAP. V.

An act to explain and amend an act, *intituled*, An act for the more effectual preventing of frauds committed by tenants. 445

CHAP. VI.

An act from exempting British linen imported from all duties; and granting to his Majesty an additional duty on cordage, and for the more effectual preventing frauds and abuses in the hempen and flaxen manufactures of this kingdom, and for the further incouragement thereof. 448

CHAP.

CHAP. VII.

An act for veſting in his Majeſty, his heirs and ſucceſſors, the ſeveral lands, tenements, and hereditaments, whereon the barracks in this kingdom are built, or building or contracted for, and whereon light-houſes are or ſhall be built; and for making reaſonable ſatisfaction to the ſeveral owners and proprietors for the ſame; and likewiſe for amending an act made in the ſixth year of her late Majeſty's reign, *intituled*, An act to prevent the diſorders that may happen by the marching of ſoldiers, and for providing carriages for the baggage of ſoldiers in their march. Page 452

CHAP. VIII.

An act to oblige all officers to return a liſt of their fees by a day certain. 458

CHAP. IX.

An act for reviving, continuing, and amending ſeveral ſtatutes made in this kingdom heretofore temporary. 459

CHAP. X.

An act for limiting certain times within which writs of error ſhall be brought for the reverſing fines and common recoveries. 466

CHAP. XI.

An act for the better amendment of the pavements, and more effectual cleanſing the ſtreets of the city of Dublin, and for removing encroachments and nuſances, that are or ſhall be erected therein; and preventing miſchiefs occaſioned by drivers of carts, drays, or cars riding thereon, and for regulating the ſelling of hay in the city of Dublin and liberties thereunto adjoining. 467

CHAP. XII.

An act for repealing part of a clauſe in an act made in the ſecond year of his Majeſty's reign, by which the dimenſions of butter casks are aſcertained, and for explaining and further amending the law in relation to butter casks. Page 475

CHAP. XIII.

An act for explaining and amending an act of Parliament made in the ninth year of his late Majeſty King William, *intituled*, An act for the preventing frivolous and vexatious law ſuits; and giving remedy to the parties grieved to recover their coſts at law in certain caſes, where heretofore no coſts were given. 479

CHAP. XIV.

An act for ſettling the quarter parts upon the parochial clergy of the dioceſs of Tuam; and for empowering the lord archbiſhop of Tuam to ſet leaſes of part of his demeſne lands: as alſo for confirming a charitable foundation in the city of Cork. 480

CHAP. XV.

An act for the better regulating the town of Gallway, and for the ſtrengthening the proteſtant intereſt therein. 485

CHAP. XVI.

An act for the better regulating the corporation of the city of Kilkenny, and ſtrengthening the proteſtant intereſt therein, and puniſhing alderman Robert Connell, for withdrawing himſelf with the books and papers belonging to the ſaid corporation. 489

The

The fixth year of *George* I.

CHAP. I.

An act for abreviating Michaelmas-term, and ſettling the commencement thereof. Page 493

CHAP. II.

An act for the more effectual preventing the ingroſſing and regrating of coals in this kingdom. 497

CHAP. III.

An act for continuing and amending an act, *intituled*, An act to make the militia of this kingdom more uſeful. 502

CHAP. IV.

An act for continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes: and alſo on all ſorts of wine, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo a tax on all ſallaries, profits of imployments, fees, and penſions therein mentioned; and for continuing the further additional duty on ale, beer, and ſtrong waters, and ſpirits perfectly made, and upon ſpirits made and diſtilled of wine; and for granting an additional duty on molaſſes, treacle, tea, coffee, chocolate, and cocoa-nuts; and for ſecuring the repayment of fifty thouſand pounds *ſterling*, formerly advanced unto his Majeſty for the uſe of the publick, together with the intereſt thereof. 504

CHAP. V.

An act for exempting the proteſtant diſſenters of this kingdom from certain penalties, to which they are now ſubject. Page 508

CHAP. VI.

An act to prevent delays in writs of error, and for the further amendment of the law. 516

CHAP. VII.

An act for the better regulating the buying and ſelling of yarn and cloth, and further improving the hempen and flaxen manufactures of this kingdom. 522

CHAP. VIII.

An act for the more effectual preventing the running of goods, and for the further preventing frauds committed in his Majeſty's cuſtoms. 525

CHAP. IX.

An act for quieting and diſcharging all perſons in offices or employments from the penalties they may have incurred, by not qualifying themſelves purſuant to the act *to prevent the further growth of popery*: and for limitting the time for proſecutions on the ſaid act. 528

CHAP. X.

An act for the better regulating the pariſh watches, and amending the high ways in this kingdom, and for preventing the miſapplication of publick money. 530

CHAP. XI.

An act for better ſecuring the rights of advowſon and preſentation to eccleſiaſtical benefices. Page 535

CHAP. XII.

An act for the better and more effectual apprehending and tranſporting felons and others, and for continuing and amending ſeveral laws made in this kingdom for ſuppreſſing tories, robbers, and rapparees. 537

CHAP. XIII.

An act for the better maintenance of curates within the church of Ireland. 542

CHAP. XIV.

An act for amending and enforcing a clauſe contained in an act to enable reſtitution of impropriations and tithes, and other rights eccleſiaſtical, to the clergy, with a reſtraint of aliening the ſame, and direction for preſentation to the churches. 544

CHAP. XV.

An act for the more effectual amendment of the pavements of the ſeveral counties of cities and counties of towns in this kingdom: and for preventing miſchiefs that may happen by fire in the city of Dublin; and for augmenting the number of hackney-coaches and chairs in the ſaid city. 546.

CHAP. XVI.

An act for cleanſing and repairing the water-courſe leading from the river Dodeer to the city of Dublin, and to prevent the diverting and corrupting the water therein. Page 555

CHAP. XVII.

An act for the relief of inſolvent debtors. 564

CHAP. XVIII.

An act for erecting and continuing lights in the city of Dublin, and the ſeveral liberties adjoining; and alſo in the cities of Cork and Limerick, and liberties thereof. 568

COLLECTION OF STATUTES.

Acts and Statutes, made in a Parliament begun at Dublin the twenty firſt day of September, *Anno Dom.* 1703, in the ſecond year of the reign of our moſt gracious ſovereign Lady Queen ANNE, before his grace James duke of Ormond, lord lieutenant general and general governor of Ireland.

CHAP. I.

An Act for an additional duty of Exciſe upon beer, ale, and other liquors.

WE your Majeſties moſt dutiful and loyal ſubjects the commons in Parliament aſſembled, taking into our ſerious conſideration the great decay, that hath been and is likely to continue in your Majeſties revenues in this kingdom; and being highly ſenſible that it is abſolutely neceſſary for the ſupport of your Majeſties crown and dignity, and the maintenance of your royal authority and government, that your Majeſty ſhould be ſupplied to defray the neceſſary charges of the publick, have chearfully, readily, and unanimouſly given and granted, and do hereby give and grant to your Majeſty the ſeveral rates and additional duties of exciſe herein after mentioned: and therefore do moſt humbly

beſeech your Majeſty that it may be enacted, and be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That from and after the twenty ninth day of September, in this preſent year of our Lord one thouſand ſeven hundred and three, there ſhall be throughout this your Majeſties kingdom of Ireland raiſed, levied, collected, and paid unto your Majeſty, during the ſpace of one year from the ſaid twenty ninth day of September, and no longer, for beer, ale, and other liquors herein after expreſſed, by way of exciſe (over and above all other duties, charges, and impoſitions now payable) the exciſe or duties herein after following (that is to ſay) for every thirty two gallons of beer or ale, above ſix ſhillings the barrel price, brewed within this realm by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, one ſhilling and ſix pence; and ſo proportionably for a greater or leſſer quantity, over and above the duties now paid for the ſame; and for every thirty two gallons of beer or ale of ſix ſhillings the barrel price or under, brewed by the common brewer, or any other perſon or perſons, who doth or ſhall ſell beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity, three pence over and above what is now paid for the ſame.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty ninth day of September, in the year of our Lord one thouſand ſeven hundred and three, there ſhall be throughout this your Majeſties kingdom of Ireland raiſed, levied, collected, and paid unto your Majeſty, during the ſpace and term of one year, an additional duty of three pence upon every gallon of *aquavitæ* and ſtrong waters, or ſpirits made or diſtilled within this realm for ſale, the ſame to be paid by the firſt maker or diſtiller thereof; and proportionably for a greater or leſſer quantity, over and above all other duties now payable for the ſame.

III. And be it further enacted by the authority aforeſaid, That the ſeveral rates and duties of exciſe, hereby granted on the ſeveral liquors aforeſaid, ſhall be raiſed, levied, collected, recovered, and paid unto your Majeſty, in the ſame manner and form, and by ſuch ways and means, and under ſuch penalties and forfeitures, as are mentioned, and expreſſed, and directed for the collecting, gathering, and recovering of the ſeveral duties of exciſe in and by the act of exciſe or new impoſt, made in the fourteenth year of the reign of the late King Charles the ſecond, intituled, *An Act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force; with the like liberty of appeal to and for the party grieved, as in and by the ſaid former act is reſpectively provided.

IV. And be it further enacted by the authority aforeſaid, That no innkeeper, victualler, or other retailer of beer or ale, at any time hereafter, during the continuance of the aforeſaid additional duties on beer and ale by this act impoſed, ſhall be ſued, impleaded, or moleſted, by indictment, information, or popular action, or otherwiſe, for ſelling and uttering of beer and ale at any other or higher price than the prices heretofore limited and appointed; but that all officers, and other perſons concerned in aſſizing of beer or ale throughout this kingdom, ſhall take care to aſſize the ſame with regard to the additional charge or duty aforeſaid.

CHAP.

A. D. 1703.

CHAP. II.

An Act for encouraging the importation of iron and ſtaves.

WHEREAS the great duties laid on foreign iron are a great diſcouragement to the importation thereof, and tend to the leſſening of her Majeſty's revenue, and to the deſtruction of the woods of this kingdom: and whereas there is great ſcarcity of all ſorts of timber in this kingdom, and the great duties laid on hoops, bark, laths, and on ſtaves imported for making barrels, pipes, or caſks, are a great hindrance to the importation thereof: for the remedy whereof, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by authority of the ſame, That from and after the firſt day of November in the preſent year of our Lord one thouſand ſeven hundred and three, all duties payable by any law for unwrought iron, bark, hoops, laths, or for barrel-ſtaves, pipe-ſtaves, headings, or other ſtaves or timber to be made uſe of for making caſks, ſhall wholly ceaſe and determine: and that from thenceforth there ſhall be paid to her Majeſty, her heirs and ſucceſſors, for ſuch unwrought iron, bark, hoops, laths, barrel-ſtaves, pipe-ſtaves, headings, or other ſtaves or timber, to be made uſe of for making caſks, the duties following and no other: (that is to ſay) for every tun of iron to be imported into this kingdom from and after the ſaid firſt day of November, in the preſent year of our Lord one thouſand ſeven hundred and three, the ſum of five ſhillings for cuſtom, and five ſhillings for exciſe, and no more; and for every thouſand of ſuch barrel-ſtaves, pipe-ſtaves, headings, or other ſtaves for making caſk, containing ſix ſcore to each hundred, to be imported into this kingdom from and after the ſaid time, the ſum of ſix pence cuſtom, and ſix pence exciſe and no more, and ſo proportionably for a greater or leſſer quantity; and for every thouſand of hoops, or laths, containing ſix ſcore to the hundred, to be imported as aforeſaid, one penny and no more, and ſo proportionably for a greater or leſſer quantity; and for every barrel of bark imported as aforeſaid, the ſum of one penny and no more.

All duties on unwrought iron, bark, hoops, ſtaves, and timber for caſks ſhall ceaſe.

Duty henceforth payable: 5 *s.* cuſtom, and 5 *s.* exciſe *per* tun iron imported.

Staves for casks *per* 1000 6 *d.* cuſtom, and 6 *d.* exciſe:

Hoops or laths, 1 *d. per* 1000:

Bark, 1 *d. per* barrel.

II. And for the preventing the exportation of timber out of this kingdom to any parts beyond the ſea, other than to the kingdom of England; be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of November, in the preſent year of our Lord one thouſand ſeven hundred and three, there ſhall be paid to her Majeſty, her heirs and ſucceſſors, over and

To prevent exportation of timber, except to England.

Additional duty of 2*l.* 10 *s. per* tun for timber or

A. D. 1703. Chap. 2.

and above all duties now payable for the ſame, the further ſum of two pounds ten ſhillings for every tun of timber or plank, which, from and after the ſaid firſt day of November in the preſent year of our Lord one thouſand ſeven hundred and three, ſhall be exported out of this kingdom to any part beyond ſeas, other than to the kingdom of England, and ſo proportionably for any greater or leſſer quantity; and for every thouſand of hoops or laths which ſhall be exported out of this kingdom to any parts beyond the ſeas (other than to the kingdom of England,) the ſum of five ſhillings, and ſo proportionably for any greater or leſſer quantity; and for every thouſand of pipe-ſtaves, barrel-ſtaves, headings, and other ſtaves for making of caſk, to be computed as aforeſaid, which ſhall be exported out of this kingdom to any part beyond the ſeas (other than into the kingdom of England,) over and above all duties now payable for the ſame, the further ſum of three pounds, and ſo proportionably for any greater or leſſer quantity.

plank exported:

Hoops or laths 5 *s. per* 1000.

Staves for casks 3 *l. per* 1000,

III. And be it further enacted, That all and ſingular the duties and ſums by this act granted ſhall be paid, collected, levied, and received by the ſame perſons, and by ſuch ways and means, and in the ſame manner, and under ſuch penalties, proviſoes, reſtrictions, and regulations, as in and by one act made in the fourteenth and fifteenth years of his late Majeſty King Charles the ſecond, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed*; and another act made in the ſame year, intituled, *An Act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, are directed and appointed for the paying, collecting, levying, and receiving the duties ſettled and granted by the ſaid act.

ſaid duties levied as by 14 and 15 *C.* 2. 8 & 9.

IV. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend to impoſe or to oblige the payment of any duty for ſuch timber as ſhall be made up in any ſhip or veſſel, as part of ſuch ſhip or veſſel, or to reſtrain the carrying or going of the ſame out of this kingdom; but that all timber ſo made up as is aforeſaid, ſhall be wholly free and exempt from all the duties impoſed and granted by this act; any thing herein contained to the contrary in any wiſe notwithſtanding.

not to extend to timber made up as part of a ſhip or veſſel.

V. And

A. D. 1703.

V. And whereas by one act made in the tenth year of his late Majeſty's reign, intituled, *An Act for planting and preſerving timber, trees, and woods*; it is enacted, "That all perſons being reſidents within this kingdom, and having any eſtate of "freehold and inheritance therein, kept or employed under his, her, or their ſtock, "to the value of ten pounds by the year; and every tenant for years, who then "had eleven years of his or their terms then unexpired, and who paid ten "pounds by the year rent or more, ſhould plant at ſuch times as are therein men-"tioned a certain quantity of oak, firr, elm, aſh, walnut, poplar, abeal, or elder;" which word *elder* was intended *alder*; be it therefore enacted, That no perſon or perſons who hath or have planted any elder trees purſuant unto and in performance of the ſaid act, and is ſeized or poſſeſſed of any lands within this kingdom, ſhall be excuſed from the penalties in the ſaid act; unleſs he or they ſhall at or before the firſt day of April, which will be in the year of our Lord one thouſand ſeven hundred and five, plant ſo many trees in lieu of the elder trees ſo by him or them planted, of oak, elm, firr, aſh, walnut, poplar, abeal or alder.

The word Elder in 10 *W.* 3. 12. intended Alder;

they who purſuant thereto planted elder trees, not excuſed unleſs in lieu thereof they plant oak, alder, &c.

CHAP. III.

An Act to prevent Popiſh prieſts from coming into this kingdom.

WHEREAS great numbers of Popiſh biſhops, deans, fryers, jeſuits, and other regulars of the popiſh clergy, do daily come into this kingdom from France, Spain, and other foreign parts, under the diſguiſe or pretence of being Popiſh ſecular prieſts, with intent to ſtir up her Majeſty's Popiſh ſubjects to rebellion; and for that ſufficient proof to convict them cannot be had, they have hitherto remained in this kingdom contrary to the ſtatute made in the ſeventh year of the reign of his late Majeſty King William the third of glorious memory, intituled, *An Act for baniſhing all Papiſts exerciſing any eccleſiaſtical juriſdiction, and all regulars of the Popiſh clergy, out of this kingdom*; to the great prejudice of her Majeſty's Proteſtant ſubjects, and to the hazard of the publick peace: for remedy whereof be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That every clergyman of the popiſh religion, that ſhall come into this kingdom at any time after the firſt day of January, in this preſent year of our Lord one thouſand ſeven hundred and three, ſhall be and is hereby declared to be liable to ſuch penalties, forfeitures, and puniſhments, as by the ſaid act is impoſed on Popiſh archbiſhops, biſhops, vicars-general, deans, jeſuits, fryers, or any other Papiſts exerciſing any eccleſiaſtical juriſdiction, who ſhall come into this kingdom contrary to the ſaid act.

Every Popiſh clergyman coming into this kingdom liable to the penalties in 9 *W.* 3. 1. 8 *Anne* 3.

II. And be it further enacted, That any perſon, who ſhall knowingly harbour, relieve, conceal, or entertain any ſuch clergyman

as alſo perſons harbouring, relieving or concealing them.

A. D. 1703. Chap. 3.

gyman of the Popiſh religion as aforeſaid, ſo coming into this kingdom as aforeſaid, ſhall be liable to ſuch penalties and forfeitures, as by the ſaid act is impoſed on the harbourers, relievers, and concealers of any Popiſh archbiſhop, biſhop, vicar-general, dean, jeſuit, fryer, or regular Popiſh clergyman; and to be levyed on them, and every of them, in the ſame manner as by the ſaid act is directed: and all her Majeſty's juſtices of the peace, ſheriffs, high and petty conſtables, and all other her Majeſty's loving ſubjects are hereby required to uſe their utmoſt diligence in apprehending all ſuch regular or other Popiſh prieſt, who ſhall come into this kingdom contrary to this act.

All ſubjects to uſe utmoſt diligence in apprehending them.

III. And be it further enacted, That if any mayor, juſtice of the peace, or other officer ſhall neglect doing his or their duty in execution of this act, every ſuch mayor, juſtice of the peace, and other officer ſhall for every ſuch neglect forfeit the ſum of one hundred pounds, to be recovered by action of debt, bill, plaint, or information, wherein no protection, eſſoigne, or wager of law ſhall be allowed, nor more than one imparlance; one moyety thereof to the Queen's Majeſty, her heirs and ſucceſſors; the other moyety to the informer, or perſon that ſhall ſue for the ſame; and be diſabled from ſerving as a juſtice of the peace during his life.

Magiſtrates neglecting,

penalty 100l. to Queen and proſecutor,

and diſabled.

IV. And foraſmuch as ſome doubt hath ariſen, where perſons returning or coming, and offending contrary to the aforementioned act, ſhall be indicted and tryed: be it enacted by the authority aforeſaid, That all and every perſon and perſons, who have returned, or come, and offended contrary to the ſaid ſtatute, or who ſhall at any time hereafter return or come into this kingdom contrary to the true intent and meaning of the aforementioned ſtatute, or ſhall come into this kingdom contrary to this preſent act, ſhall and may be indicted and tryed for the ſame in ſuch county of this kingdom, wherein he or they ſhall be found and taken; or in any county where her Majeſty, her heirs or ſucceſſors, by commiſſion under the great ſeal of this kingdom, ſhall direct and appoint.

Offenders indicted and tried in county where found, or where appointed by the Queen.

V. Provided, and be it enacted, That this act ſhall continue and be in force for fourteen years, and to the end of the next ſeſſion of Parliament after the expiration of the ſaid fourteen years, and no longer.

Continuance of the act 14 years.

8 *Anne* 3. *made perpetual.*

CHAP.

CHAP. IV.

A. D. 1703.

An Act for continuing the additional duty of excise on beer, ale, and other liquors; and for granting an additional duty on tobacco, and several other goods and merchandizes: and also a tax of four shillings in the pound on several pensions and grants therein mentioned: and for building of barracks in the city of Dublin.

WE your Majesties most dutiful and loyal subjects the commons of Ireland in Parliament assembled, being highly sensible of the great blessings and felicity we enjoy by your Majesties happy accession to the throne of your ancestors, and well knowing that the security, peace, and prosperity of this your Majesties realm necessarily depends on the support of your Majesties government, have in most thankful acknowledgement of your Majesties most gracious disposition and tender care to preserve your people in the full and free enjoyment of their religion, laws, and liberties (the effects and fruits whereof do daily rejoice the hearts of all your good subjects) freely, cheerfully, and unanimously given to your Majesty the several additional and other duties herein after mentioned: and do most humbly, heartily, and unanimously beseech your Majesty that it may be enacted, and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by authority of the same, That the additional duties of excise upon beer, ale, and other liquors, granted for one year, ending at Michaelmas one thousand seven hundred and four, by act of this present session of Parliament, intituled, *An Act for an additional duty of excise upon beer, ale, and other liquors*, be further continued, raised, collected, levied, and paid unto your Majesty, your heirs and successors, for one year, from the twenty ninth day of September one thousand seven hundred and four, to the twenty ninth day of September one thousand seven hundred and five inclusive; which said additional duties of excise upon beer, ale, and other liquors, shall and may be raised, collected, levied, and paid unto her Majesty, her heirs and successors, during the time aforesaid, at the same times, and in the same manner and place, and by such rules, ways, means, and methods, and under such penalties and forfeitures as are mentioned and expressed for the collecting, gathering, and receiving of the several duties of excise in and by the act of excise or new imposts, made in the fourteenth year of the reign of the late King Charles the second, intituled, *An Act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, or by any other law now in force relating to the revenue of excise in this kingdom.

II. And be it further enacted by the authority aforesaid, That all tobacco, linnen, muslin and callicoes that shall be imported into this kingdom at any time from and after the ninth day of November one thousand seven hundred and three, until the ninth day of November one thousand seven hundred and five inclusive, shall answer and pay unto her Majesty, her heirs and successors, over and above all rates and duties due and payable for the same by virtue of any former or other law in force in this kingdom, the several and additional rates and duties hereafter mentioned (that is to say) for every pound weight of tobacco to be imported within the time aforesaid, the sum of three pence half penny; for every yard of white, painted, or stained callicoe to be imported within the time aforesaid, the sum of one shilling and six pence *sterling*; and for every yard of muslin, and all sorts of linnen to be imported within the time aforesaid, the sum of six pence *sterling*: all which said several additional duties shall and may be raised, collected, levied and paid unto her Majesty, her heirs and successors, during the time aforesaid, at the same times and

A. D. 1703. Chap. 4.

and places, in the ſame manner and form, and by ſuch rules, ways, means and methods, and under ſuch penalties and forfeitures as are mentioned, appointed, and expreſſed in the aforeſaid act of exciſe and new impoſt, or in any other law now in force in this kingdom relating to the exciſe.

III. And be it further enacted by the authority aforeſaid, That the full ſum of four ſhillings a year out of every twenty ſhillings by the year of the ſeveral penſions, grants, annuities, and yearly payments herein after mentioned, ſhall be paid to her Majeſty, her heirs or ſucceſſors, for two years commencing from Michaelmas one thouſand ſeven hundred and three inclusive, and ending Michaelmas one thouſand ſeven hundred and five inclusive: (that is to ſay) the ſum of four ſhillings a year out of every twenty ſhillings by the year of the penſion or grant of eight hundred pounds a year from the crown to the duke of St. Albans, and charged on the revenue of this kingdom: alſo the like ſum of four ſhillings a year out of every twenty ſhillings by the year of the like grant or penſion of three hundred pounds to the earl of Rannelagh, charged on the ſaid revenue: alſo the like ſum of four ſhillings a year out of every twenty ſhillings by the year of the grant or penſion of ſixteen hundred pound a year to George Rodney Bridges eſq; charged on the ſaid revenue: alſo the like ſum of four ſhillings a year out of every twenty ſhillings by the year of the three thouſand five hundred pounds a year ſecured to the counteſs of Dorcheſter by ſeveral quit-rents of this kingdom: alſo the like ſum of four ſhillings a year out of every twenty ſhillings a year of the ſum of ſixteen hundred forty two pounds, being the yearly quit-rent of the earl of Antrim's eſtate granted to the late earl of St. Albans: which ſaid ſeveral ſums of four ſhillings im the pound ſhall be paid during the time aforeſaid by half yearly payments: (that is to ſay) on every twenty fifth day of March and twenty ninth day of September for and during the ſaid two years: and which ſaid ſeveral rates of four ſhillings *ſterling* a year out of every twenty ſhillings *ſterling*, ſo charged as aforeſaid, ſhall be raiſed, collected, levied, and paid in the manner following: (that is to ſay) ſuch of the ſaid grants or penſions, as are payable out of her Majeſties treaſury in this kingdom, ſhall be ſtopped and deducted half yearly by the paymaſter or receiver general of her Majeſties revenues, and accounted for to her Majeſty, her heirs or ſucceſſors: and the ſaid four ſhillings *ſterling* a year out of any twenty ſhillings a year charged on any grant of, or on any the yearly quit-rents aforeſaid, ſhall be levied, raiſed, and collected at the times aforeſaid, in ſuch manner and with ſuch and the like remedies for recovery thereof, as any other her Majeſties quit-rents and crown rents are collected and raiſed by any law now in force in this kingdom.

IV. And be it further enacted by the authority aforeſaid, That an additional duty of twenty ſhillings *ſterling* for every hundred pounds weight of Melaſſes, that ſhall be imported into this kingdom from and after the ninth day of November one thouſand ſeven hundred and three, ſhall be paid to her Majeſty, her heirs and ſucceſſors, for the term of ſeven years from the ſaid ninth day of November one thouſand ſeven hundred and three, and from thence to the end of the next ſeſſion of Parliament after the expiration of the ſaid term of ſeven years: which ſaid duty is to be levied, collected, and received, in ſuch manner as in and by the ſaid act of exciſe is directed and appointed.

V. And be it further enacted by the authority aforeſaid, That no collector or other officer whatſoever in her Majeſties revenue ſhall demand, receive, or take any other fee or reward for any permit for tobacco, other than the ſeveral fees and rates herein after mentioned: (that is to ſay) for any permit of any quantity of tobacco under one hundred pounds weight, one penny and no more; and for every permit for any quantity of tobacco of one hundred pounds weight and upwards, three pence, and no more: or other goods not exceeding the value of five pounds.

For diſcharge of arrears of quit-rent, *&c.*

VI. And whereas the arrear of quit-rents, crown rents, and compoſition rents, due out of ſeveral houſes, lands, and tenements returned to have been waſt from the twenty fifth day of March one thouſand ſix hundred ninety two, to the twenty fifth

fifth of March one thouſand ſix hundred ninety and five, amounting to the ſum of twenty one thouſand ſeven hundred and ten pounds ſeven ſhillings and three pence, were releaſed and diſcharged by an act of Parliament made in this kingdom in the ninth year of the reign of his late Majeſty King William the third: and whereas the clerk of the quit-rents in the year one thouſand ſix hundred ninety eight delivered to the then houſe of commons a ſecond liſt of arrears of quit-rents, crown-rents, and compoſition-rents due out of ſeveral other houſes, lands, and tenements returned to have been waſt from the ſaid twenty fifth day of March one thouſand ſix hundred ninety two, to the twenty fifth day of March one thouſand ſix hundred ninety five incluſive, amounting to the ſum of four thouſand two hundred ſixty two pounds, ſixteen ſhillings and two pence *ſterling*; whereupon the ſaid commons on the twenty fourth day of January one thouſand ſix hundred ninety eight humbly addreſſed the government for a reſpite of ſo much of the ſaid four thouſand two hundred ſixty two pounds ſixteen ſhillings and two pence, as had not been then paid to his ſaid late Majeſties uſe, until ſuch time as a fund ſhould be found for the payment thereof, in regard the proprietors of the lands mentioned in the ſaid ſecond liſt had the ſame equity with thoſe allowed by the firſt liſt: and whereas it appears upon the returns of the ſeveral collectors accounts, that before the ſaid twenty fourth day of January one thouſand ſix hundred ninety eight, the ſum of two hundred ſixty one pounds eleven ſhillings and ten pence, one eighth being part of the ſaid ſum of four thouſand two hundred ſixty two pounds ſixteen ſhillings and two pence was paid to his ſaid late Majeſty, ſo that the remainder of the arrears in the ſaid ſecond liſt mentioned, amounted to the ſum of four thouſand and one pounds four ſhillings and three pence ſeven eighths, which ſaid ſum of four thouſand and one pounds four ſhillings and three pence ſeven eighths hath been hitherto reſpited in purſuance of the ſaid addreſs, and for which ſum an equivalent is given to her Majeſty in the aids granted in this preſent Parliament: be it therefore enacted by the authority aforeſaid, That the ſaid ſeveral houſes, lands, and tenements, returned by the ſaid ſecond liſt to have been waſt from the twenty fifth of March one thouſand ſix hundred and ninety two, to the twenty fifth of March one thouſand ſix hundred ninety five, and remaining in arrear and reſpited as aforeſaid, ſhall be and always hereafter ſhall be taken, deemed, and adjudged to be freed and diſcharged, and they are hereby freed and diſcharged, of and from all arrears of the ſaid quit-rents, crown-rents and compoſition-rents, which incurred or became due from the twenty fifth day of March one thouſand ſix hundred ninety two, to the twenty fifth of March one thouſand ſix hundred ninety five incluſive.

VII. And be it further enacted by the authority aforeſaid, That no perſon or perſons whatſoever, his, her, or their houſes, lands, tenements, and hereditaments, or any of them, ſhall at any time hereafter be diſtrained or otherwiſe impleaded for, or on account of the ſame, or any part thereof; and that no officer or other perſon do iſſue proceſs or diſtrain for the ſame, under penalty of paying to the perſon aggrieved thereby double coſts and damages for ſuch unjuſt ſuit and moleſtation.

VIII. And to the end all perſons hereby intended to be diſcharged from the ſaid arrears may have free recourſe to the ſaid ſecond liſt returned to the houſe of commons as aforeſaid; be it further enacted by the authority aforeſaid, That the ſaid ſecond liſt ſhall on or before the ſecond day of February next be returned by the clerk of the houſe of commons into the office of the auditor-general, there to be inrolled and to remain of record.

IX. And further that it may appear out of what part of the lands included in the ſaid ſecond liſt the ſaid ſum of two hundred ſixty one pounds eleven ſhillings and ten pence one eighth was paid as aforeſaid; be it further enacted by the authority aforeſaid, that the commiſſioners of her Majeſties revenue ſhall return a duplicate of the ſaid ſecond liſt, and endorſe thereon the particulars of the lands, out of which the ſaid two hundred ſixty one pounds eleven ſhillings and ten pence

A. D. 1703. Chap. 4.

one eighth, part of the ſaid four thouſand two hundred ſixty two pounds ſixteen ſhillings and two pence, was paid as aforeſaid.

X. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be hereafter impleaded or moleſted for the ſaid arrears contrary to the intent of this act, that ſuch perſon or perſons ſhall not be obliged to diſcharge themſelves by plea from ſuch charge, but ſhall be admitted by motion in her Majeſties court of Exchequer to diſcharge the ſame, by making it appear by an affidavit and by a certificate of her Majeſties auditor general, that the quit-rents, crown-rents, or compoſition-rents, for which he or they are diſtrained or ſued, became due between the twenty fifth of March one thouſand ſix hundred ninety two, and the twenty ſixth of March one thouſand ſix hundred ninety five, out of houſes, lands, or tenements returned waſt, and mentioned in the ſaid ſecond liſt; which certificate the auditor general ſhall be obliged to give to the perſons requiring the ſame without fee or reward.

XI. And be it enacted by the authority aforeſaid, That the ſeveral ſums hereafter mentioned ſhall be paid out of the aforeſaid additional duties and aids granted to her Majeſty by this preſent act to the perſons herein after named: (that is to ſay) three hundred pounds *ſterling* to Thomas Tilſon the elder, eſquire, clerk of the houſe of commons; two hundred pounds *ſterling* to Fauſtin Cuppaige, eſquire, clerk aſſiſtant; and one hundred pounds *ſterling* to Thomas Tilſon the younger, another of the clerks to the commons; and one hundred and fifty pounds to Richard Povey eſquire, ſerjeant at arms attending the commons; and fifty pounds to Francis Cockſedge, gentleman, deputy ſerjeant at arms attending the commons, as a reward for their ſeveral ſervices and attendance in the two laſt Parliaments held in this kingdom: and alſo the ſum of ſix hundred pounds *ſterling* to Margaret Hamilton widow, for the ſufferings of her huſband colonel Hamilton, deceaſed, in the Eniſkillen ſervice; which ſaid ſeveral ſums are to be paid by the vice-treaſurer or receiver general of this kingdom without any further or other warrant to be ſued for, had, and obtained in that behalf.

For building barracks in Dublin.

XII. And whereas it is convenient that barracks ſhould be erected in the city of Dublin, for the lodging and quartering of her Majeſties ſoldiers; be it enacted by the authority aforeſaid, that the ſix pence *per* pound payable to the vice-treaſurer or paymaſter general of this kingdom, and all other fees payable out of the aids given to her Majeſty this preſent ſeſſion of Parliament, ſhall be imployed in and applied to the building of barracks for ſoldiers in the ſaid city, according to the direction of the lord lieutenant, or other chief governor or governors for the time being; which barracks ſhall be begun and carried on as faſt as any part of the ſaid fees or ſums aforeſaid, allotted for the building thereof, ſhall come in, and be received out of the ſaid additional duties or aids granted to her Majeſty by this preſent act.

CHAP.

A. D. 1703.

CHAP. V.

An Act to make it high treaſon in this kingdom, to impeach the ſucceſſion of the crown, as limited by ſeveral acts of Parliament.

FORASMUCH as the future ſecurity of your Majeſty's proteſtant ſubjects of this kingdom doth (next under God) depend upon the ſafety of your Majeſty's royal perſon (whom God long preſerve to reign over us) and upon the ſucceſſion in the proteſtant line, as the ſame is limited by an act of Parliament paſſed in England, intituled, *An Act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown*; and by one other act made in England in the twelfth year of the reign of his late Majeſty King William the third of bleſſed memory, intituled, *An Act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject*; by which it is enacted, „ That, the Imperial crown and government of the kingdoms of England, France and Ireland, and of the dominions thereunto belonging, with the royal ſtate and dignity of the ſaid realms, and all honours, ſtyles, titles, regalities, prerogatives, powers, juriſdictions and authorities to the ſame belonging and appertaining, ſhould, after the deceaſes of his ſaid Majeſty, and of her then royal highneſs the princeſs Anne of Denmark (our now moſt gracious ſovereign lady Queen Anne) without iſſue of her body, and for default of iſſue of her ſaid Majeſty and of his ſaid Majeſty reſpectively, be, remain, and continue to the moſt excellent princeſs Sophia electoreſs and dutcheſs dowager of Hanover, daughter of the moſt excellent princeſs Elizabeth, late Queen of Bohemia, daughter of our late ſoveraign lord King James the firſt of happy memory, and the heirs of her body, being proteſtants:" and foraſmuch as it moſt manifeſtly appears that the papiſts of this kingdom, and other diſaffected perſons, do ſtill entertain hopes of diſappointing the ſaid ſucceſſion, as the ſame ſtands limited: for prevention whereof be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any perſon or perſons at any time from and after the firſt day of February, in the year of our Lord God one thouſand ſeven hundred and three, ſhall endeavour to deprive or hinder any perſon, who ſhall be the next in ſucceſſion to the crown for the time being, according to the limitations in the before recited acts mentioned,

1 *W. and M.* 2. *ſeſſ.* 2. *Eng.*

12 *and* 13 *W.* 3. 2. *Eng.*

Succeſſion to the crown by ſaid acts limited, after death of King William and Princeſs Anne without iſſue, to Princeſs Sophia of Hanover and heirs of her body being proteſtants:

High treaſon to endeavour to diſappoint the ſame by any overt act or deed.

A. D. 1703. mentioned, from ſucceeding after the deceaſe of her Majeſty (whom God long preſerve) to the Imperial crown of the realm of England, and the dominions and territories thereunto belonging, according to the limitations in the beforementioned acts: (that is to ſay) ſuch iſſue of her Majeſty's body as ſhall from time to time be next in ſucceſſion to the crown, if it ſhall pleaſe God to bleſs her Majeſty with iſſue; and during the time her ſacred Majeſty ſhall have no iſſue, the princeſs Sophia, electoreſs and dutcheſs dowager of Hanover, and the heirs males of her body, being proteſtants; and after the deceaſe of the ſaid princeſs Sophia, the next in ſucceſſion to the crown for the time being, according to the limitation of the ſaid acts; and the ſame maliciouſly, adviſedly, and directly ſhall attempt by any overt act or deed, every ſuch offence ſhall be adjudged high treaſon, and the offender or offenders therein, their abettors, procurers and comforters, knowing the ſaid offence to be done, being thereof convicted or attainted, according to the laws and ſtatutes of this realm, ſhall be deemed and adjudged traytors, and ſhall ſuffer pains of death, and all loſſes, and forfeitures, as in caſes of high treaſon.

Offenders beyond ſea or on the ſeas may be tried in ſuch county as under great ſeal appointed.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, being a native of this realm, ſhall offend contrary to this act in any parts beyond the ſeas, or on the high ſea, that every ſuch offender ſhall and may be tried in ſuch county in this kingdom, as her Majeſty, her heirs and ſucceſſors, ſhall by her or their commiſſion under the great ſeal of this kingdom nominate, limit and appoint.

CHAP. VI.

An Act to prevent the further growth of popery.

8 *Anne* 3. *explained.*

WHEREAS divers emiſſaries of the church of Rome, popiſh prieſts, and other perſons of that perſwaſion, taking advantage of the weakneſs and ignorance of ſome of her Majeſty's ſubjects, or the extream ſickneſs and decay of their reaſon and ſenſes, in the abſence of friends and ſpiritual guides,

Papiſts daily perverting proteſtants.

do daily endeavour to perſwade and pervert them from the proteſtant religion, to the great diſhonour of Almighty God, the weakening of the true religion, by his bleſſing ſo happily eſtabliſhed in this realm, to the diſquieting the peace and ſettlement, and diſcomfort of many particular families thereof: and in further manifeſtation of their hatred and averſion to the ſaid true religion, many of the ſaid perſons, ſo profeſſing the popiſh religion in this kingdom, have refuſed to make proviſion for their

Refuſing to provide for their proteſtant children,

eluding ſtat. 9. *W.* 3. 3. *&c.*

voting in elections, *&c.*

own children for no other reaſon but their being of the proteſtant religion; and alſo have by cunning devices and contrivances found out ways to avoid and elude the intents of an act of Parliament, made in the ninth year of the reign of the late King William the third for preventing proteſtants inter-marrying with papiſts; and of ſeveral other laws made for the ſecurity of the proteſtant religion: and whereas many perſons ſo profeſſing the popiſh religion have it in their power to raiſe diviſions among proteſtants, by voting in elections for members of Parliament, and alſo have it in their power to uſe other ways and means tending to the deſtruction of the proteſtant intereſt in this kingdom: for remedy of which great miſchiefs, and to prevent the like evil practices for the future, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any perſon or perſons from and after the twenty fourth day of March, in this preſent year of our Lord one thouſand ſeven hundred and three, ſhall ſeduce, perſwade, or pervert any perſon or perſons profeſſing, or that ſhall profeſs, the proteſtant religion, to renounce, forſake, or abjure the ſame, and to profeſs the popiſh religion, or reconcile him or them to the church of Rome, then and in ſuch caſe every ſuch perſon and perſons ſo ſeducing, as alſo every ſuch proteſtant and proteſtants, who ſhall be ſo ſeduced, perverted, and reconciled to popery, ſhall for the ſaid offences, being thereof lawfully convicted, incur the danger and penalty of premunire, mentioned in the ſtatute of premunire made in England in the ſixteenth year of the reign of King Richard the ſecond; and if any perſon or perſons being a papiſt, or profeſſing the popiſh religion, ſhall from and after the ſaid twenty fourth day of March ſend, or cauſe, or willingly ſuffer, to be ſent or conveyed any child under the age of one and twenty years, except ſailors, ſhip-boys, or the apprentice or factor of ſome merchant in trade of merchandize, into France, or any other parts beyond the ſeas, out of her Majeſty's dominions, without the ſpecial licence of her Majeſty, her heirs or ſucceſſors, or of her or their chief governor or governors of this kingdom, and four or more of her or their privy council of this realm, under their hands in that behalf firſt had and obtained, he, ſhe, and they, ſo ſending or conveying, or cauſing to be ſent or conveyed away, ſuch child, ſhall incur the pains, penalties, and forfeitures mentioned in an act made in the ſeventh year of his late Majeſty King William, intituled, *An act to reſtrain foreign education.*

Perſons who pervert proteſtants to popiſh religion, and proteſtants ſo perverted, guilty of premunire in ſtat. 16 *R.* 2. 5. *Eng.*

Papiſts ſending, or ſuffering to be ſent, any child under 21 (except ſailors, ſhip-boys, apprentice or factor of a merchant) beyond ſeas, without ſpecial licence of the Queen or chief governors and four of the privy council, incur penalties in 7 *W.* 3. 4.

A. D. 1703. Chap. 6.

Judges or two justices of peace may on reasonable cause to suspect, convene parent, guardian, &c. of such child, and require to produce in two months.

II. And forasmuch as by the said act to restrain foreign education, justices of the peace are required, upon oath to them made of the withdrawing of any child beyond the seas, to proceed further, as by the said act they are directed, which oath it is not probable can be made by any protestant or protestants, who are strangers to such private transactions in popish families, when yet by the absence of such child there may be reasonable ground of suspicion of his or her having been sent away into parts beyond the seas: be it further enacted by the authority aforesaid, That where any of the judges of her Majesty's courts of Queen's-bench, Common pleas, or barons of the Exchequer, or any two of the justices of the peace of any county of this kingdom, shall have reasonable cause to suspect that any such child, except before excepted, and also except such child or children as shall be sent abroad with such licence as aforesaid, has been sent abroad into foreign parts, he and they are hereby required and directed to convene the father or mother, or such other relation, guardian, or other person or persons, as had the tuition, education, or care of the said child, and shall require him, her, or them, to produce or bring before him or them the said child within two months from and after such convening; and if such person or persons shall not produce and bring before the said judge or justices of the peace such child within the said time, or shew reasonable cause for the obtaining further time for the same till the next following quarter-sessions of the county, wherein such person or persons shall reside, or shall not give good proof that the said child is resident somewhere within this kingdom, or within the kingdom of England or Scotland, and not in parts beyond the seas, that then such child shall be deemed and taken to be then educated in foreign parts contrary to the aforesaid act, and shall incur all the penalties and disabilities in and by the said act mentioned and prescribed.

If not produced, nor reasonable cause for time till next sessions, nor proof made that the child is here or in England or Scotland, it shall be taken to be educated in foreign parts.

That children of popish parents may not be deterred from professing protestant religion, on bill in chancery order may be made for maintenance of such protestant child, suitable to degree and ability of such parent, and age of the child, and for the portion at decease of the parent.

8 *Anne* 3. 11 and 12 *W.* 3. 4. *Eng.*

III. And to the end that no child or children of popish parent or parents, who have professed or embraced, or who shall profess or embrace, the protestant religion, or are or shall be desirous or willing to be instructed and educated therein, may in the life time of such popish parent or parents, for fear of being cast off or disinherited by them, or for want of a fitting maintenance or future provision, be compelled and necessitated to embrace the popish religion, or be deterred or withheld from owning and professing the protestant religion: be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of March one thousand seven hundred and three, upon complaint in the high court of Chancery by bill founded on this act against such popish parent, it shall and may be lawful for the

the ſaid court to make ſuch order for the maintenance of every ſuch proteſtant child, not maintained by ſuch popiſh parent ſuitable to the degree and ability of ſuch parent, and to the age of ſuch child, and alſo for the portion of every ſuch proteſtant child, to be paid at the deceaſe of ſuch popiſh parent, as that court ſhall adjudge fit, ſuitable to the degree and ability of ſuch parent; and in caſe the eldeſt ſon and heir of ſuch popiſh parent ſhall be a proteſtant, that then from the time of the inrolment in the high court of Chancery of a certificate of the biſhop of the dioceſs, in which he ſhall inhabit, teſtifying his being a proteſtant, and conforming himſelf to the church of Ireland as by law eſtabliſhed, ſuch popiſh parent ſhall become, and ſhall be, only tenant for life of all the real eſtate, whereof ſuch popiſh parent ſhall be then ſeized in fee-tail or fee-ſimple, and the reverſion in fee ſhall be veſted in ſuch eldeſt ſon being a proteſtant; ſubject nevertheleſs to all ſuch debts and real incumbrances at the time of the inrolment of ſuch certificate charging ſuch eſtate, and ſubject alſo to ſuch maintenances and portions for the other children, as well proteſtants as papiſts of ſuch popiſh parent then born, or after to be born, as the ſaid court of Chancery in manner aforeſaid ſhall order for them reſpectively; ſuch portions not to exceed the value of one third part of the inheritance of ſuch eſtate, which ſhall be held and enjoyed accordingly, diſcharged of all voluntary ſettlements made by ſuch parent, and alſo of all ſales and incumbrances made by him after ſuch inrolment of ſuch certificate: and the ſaid court of Chancery is hereby required to take care that diſtinct rolls be kept for inrolment of ſuch certificates, which ſhall publickly hang up or lie in ſome publick office or place belonging to the ſaid court, for that purpoſe by the ſaid court to be appointed, where all perſons may at all ſeaſonable times reſort to and peruſe the ſame without fee or reward; and for the inrolment of each and every ſuch certificate the ſum of ſix pence, and no more, ſhall be paid.

Eldeſt ſon being proteſtant, from inrolment of biſhop's certificate in Chancery popiſh parent ſhall be only tenant for life, reverſion in fee to the ſon,

ſubject to debts and incumbrances at the time, and to maintenances and portions for other children proteſtants or papiſts,

ſuch portions not to exceed one third of inheritance.

diſtinct rolls to be kept in Chancery for ſuch certificates in publick office.

Fee for inrolement, 6 d.

IV. And that care may be taken for the education of children in the communion of the church of Ireland as by law eſtabliſhed; be it enacted by the authority aforeſaid, that no perſon of the popiſh religion ſhall or may be guardian unto, or have the tuition or cuſtody of, any orphan, child or children, under the age of twenty one years; but that the ſame, where the perſon having or intitled to the guardianſhip of ſuch orphan, child or children, is or ſhall be a papiſt, ſhall be diſpoſed of by the high court of Chancery to ſome near relation of ſuch orphan, child or children, being a proteſtant, and conforming himſelf to the church of Ireland as by law eſtabliſhed, to whom the eſtate cannot deſcend, in caſe there ſhall be any ſuch proteſtant relation fit to

No papiſt ſhall be guardian,

but Chancery to diſpoſe of guardianſhip to ſome near proteſtant relation, to whom eſtate cannot deſcend.

A. D. 1703. Chap. 6.

to have the education of ſuch Child; otherwiſe to ſome other proteſtant conforming himſelf as aforeſaid, who is hereby required to uſe his utmoſt care to educate and bring up ſuch child or minor in the proteſtant religion until the age of twenty one years: and the ſaid court of Chancery is hereby impowered and required, and by virtue of this act it ſhall and may be lawful for the ſaid court, to make ſuch order for the educating in the proteſtant religion the child and children of any papiſt, where either the father or the mother of ſuch child or children is or ſhall be a proteſtant, till the age of eighteen years of every ſuch child, as to that court ſhall ſeem meet; and in order thereto to limit and appoint where, and in what manner, and by whom, ſuch child or children ſhall be educated; and the father of ſuch child or children ſhall pay the charges of ſuch education as ſhall be directed by the ſaid court; and ſuch child or children ſhall and may be taken from ſuch popiſh parent for education according to ſuch order: and if any perſon or perſons, being a papiſt or profeſſing the popiſh religion, ſhall take upon him or them the guardianſhip or tuition of any orphan, child or children, contrary hereunto, he and they, ſo taking upon him or them the guardianſhip or tuition of any ſuch child, ſhall forfeit the ſum of five hundred pounds, to be recovered by action of debt, bill, plaint or information, wherein no protection, eſſoigne, or wager of law ſhall be allowed, or but one imparlance; the whole benefit of the ſaid forfeitures to be, and is hereby, given to the *Blue-coat* hoſpital in the city of Dublin.

If none fit, to ſome other proteſtant, to educate carefully in proteſtant religion till twenty one.

And Chancery may make ſuch order for educating till eighteen, where either father or mother a proteſtant.

Father to pay the charges.

The child may be taken from ſuch popiſh parent.

Penalty on papiſt taking the guardianſhip 500l, to *Blue coat* hoſpital.

V. And be it further enacted by the authority aforeſaid, That if any proteſtant or proteſtants, having any eſtate or intereſt real or perſonal within this kingdom, ſhall, at any time from and after the twenty fourth day of March next, intermarry with any papiſt or perſon profeſſing the popiſh religion, either within this kingdom, or in any parts out of this kingdom, ſuch perſon or perſons, being thereof convict by indictment or information, ſhall be liable to and incur all the penalties and diſabilities in an act made in the ninth year of his ſaid late Majeſty's reign, intituled, *An act to prevent proteſtants intermarrying with papiſts*, as if ſuch proteſtant or proteſtants had actually intermarried with ſuch papiſt or papiſts in any part of this kingdom; and the ſaid offence ſhall be tryed in any county within this kingdom, wherein the offender hath any eſtate or chattels real, or in the city of Dublin: provided, that the certificate of a proteſtant miniſter, by whom any perſon ſhall be married out of this kingdom, atteſted by a publick notary, containing the matter to be certified by the ſaid former act by the perſons therein mentioned, ſhall be ſufficient and in lieu of the certificate required by the ſaid former act.

Proteſtant, having real or perſonal eſtate, marrying a papiſt either in or out of the kingdom, liable to penalties in 9 *Wil.* 3. 3.

To be tried in any county where offender hath eſtate or chattels real.

Certificate of proteſtant miniſter by whom married out of the kingdom, atteſted by publick notary, ſufficient inſtead of certificate in ſaid act.

VI. And

A. D. 1703. Chap. 6.

VI. And be it further enacted by the authority aforeſaid, That every papiſt, or perſon profeſſing the popiſh religion, ſhall from and after the ſaid twenty fourth day of March be diſabled, and is hereby made incapable, to buy and purchaſe either in his or their own name, or in the name of any other perſon or perſons to his or her uſe, or in truſt for him or her, any mannors, lands, tenements or hereditaments, or any rents or profits out of the ſame, or any leaſes or terms thereof, other than any term of years not exceeding thirty one years, whereon a rent not leſs than two thirds of the improved yearly value, at the time of the making ſuch leaſe of the tenements leaſed, ſhall be reſerved and made payable during ſuch term; and that all and ſingular eſtates, terms, or any other intereſts or profits whatſoever, other than ſuch leaſes, not exceeding thirty one years as aforeſaid, of, in, or out of ſuch lands, tenements, or hereditaments, from and after the ſaid twenty fourth day of March, to be bought and purchaſed by or for the uſe or behoof of any ſuch papiſt, or perſon or perſons profeſſing the popiſh religion, or upon any truſt or confidence mediately or immediately to or for the benefit, uſe, or advantage of any ſuch perſon or perſons profeſſing the popiſh religion, ſhall be utterly void and of none effect to all intents, conſtructions, and purpoſes whatſoever.

Papiſt diſabled to purchaſe lands, *&c.* except term years not above 31 years, whereon a rent not leſs than two thirds of improved yearly value reſerved at the time. 8 *Anne* 3.

all other intereſts void.

VII. And be it further enacted by the authority aforeſaid, That from and after the firſt day of February, in this preſent year of our Lord one thouſand ſeven hundred and three, no papiſt, or perſon profeſſing the popiſh religion, who ſhall not within ſix months after he or ſhe ſhall become intituled to enter, or to take, or have the profits by deſcent, or by vertue of any deviſe or gift, or of any remainder already limited, or at any time hereafter to be limited, or by vertue of any truſt of any lands, tenements, or hereditaments, whereof any proteſtant now is, or hereafter ſhall be, ſeized in fee ſimple abſolute, or fee-tail, or in ſuch manner that after his death, or the death of him and his wife, the freehold is to come immediately to his ſon or ſons, or iſſue in tail, if then of the age of eighteen years, or if under, within ſix months after he ſhall attain that age, until which time from his being ſo intituled he ſhall be under the care of ſuch proteſtant relation or perſon conforming himſelf as aforeſaid, as ſhall for that purpoſe be appointed by the high court of Chancery for his being educated in the proteſtant religion, become a proteſtant, and conform himſelf to the church now eſtabliſhed in this kingdom, ſhall take any benefit by reaſon of ſuch deſcent, deviſe, gift, remainder, or truſt, but from thenceforth during the life of ſuch perſon, or until he or ſhe do become a proteſtant, and conform as aforeſaid, the neareſt proteſtant relation or relations, or other proteſtant

11 & 12 *Wil.* 3. 4 *Eng.* 3 *G.* 1. 18. *Eng.*

no papiſt, who ſhall not in ſix months after intituled to enter, *&c.* become proteſtant, ſhall take by deſcent, deviſe, gift, remainder or truſt,

but during his life, or till conformity, neareſt proteſtant relation, or other proteſtant, who would be intituled if ſuch papiſt and all intermediate papiſts were dead, ſhall enjoy without account

A. D. 1703. Chap. 6.

teſtant or proteſtants, and his and their heirs, being and continuing proteſtants, who ſhall or would be intituled to the ſame in caſe ſuch perſon profeſſing the popiſh religion, and not conforming as aforeſaid, and all and other intermediate popiſh relations and popiſh perſons were actually dead; and his and their heirs ſhall have and enjoy the ſaid lands, tenements, and hereditaments, without being accountable for the profits to be received during ſuch enjoyment thereof; ſubject nevertheleſs to ſuch charges, other than ſuch as ſhall be made by ſuch diſabled perſon, and in ſuch condition as the diſabled perſon would have held and enjoyed the ſame; the children of papiſts being to be taken to be papiſts, till they ſhall by their conformity to the eſtabliſhed church appear to be proteſtants; and alſo ſubject to ſuch maintenance as the lord chancellor, lord keeper, or commiſſioners of the great ſeal of Ireland for the time being ſhall think fit to allow to the children of ſuch papiſt, until ſuch children attain their reſpective ages of eighteen years.

Subject to charges, except by diſabled perſon, and maintenance of the children till eighteen,

VIII. Provided always, That if any papiſt or papiſts, that would be intituled to the ſame by vertue of this act on the diſability incurred by any other papiſt, ſhall after become proteſtant, and conform as aforeſaid, from ſuch his conformity ſuch conforming perſon and his heirs, being and continuing proteſtants, ſhall be intituled as he would have been if he had been a proteſtant when the diſability fell on ſuch other papiſt; and the perſon or perſons ſo enjoying the ſame by vertue of this act ſhall and may lawfully demiſe and leaſe the ſame, or any part thereof, for twenty one years or leſs without fine, reſerving the beſt improved rent, that can be got for the ſame at the time of leaſing thereof, or otherwiſe make or renew leaſes of the ſame, in ſuch manner as the diſabled perſon might or ought to do by vertue of any power only enabling him ſo to do; and that ſuch leaſes ſhall be good and effectual againſt the diſabled perſon, and all others to claim after him; any law or uſage to the contrary thereof notwithſtanding: and in caſe any wilful waſt ſhall be committed on the ſaid lands, tenements, and hereditaments by the perſon ſo having and enjoying the ſame, or any other by his or her licence or authority, the party diſabled, his or her executors or adminiſtrators, ſhall and may recover full damages for the ſame againſt the perſon committing ſuch waſt, his or her executors or adminiſtrators, by action of debt in any of her Majeſty's courts of record in Dublin.

Children of papiſts deemed papiſts till conformity. 6 *G.* 1. 6.

Papiſt conforming, intitled as if he had been proteſtant when the diſability fell on ſuch other papiſt.

Perſons enjoying under this act may leaſe for 21 years, without fine, at improved rent,

or otherwiſe as diſabled perſon might by any power.

Such leaſes good againſt diſabled perſon,

who may recover damages for wilful waſte. 11 & 12 *Wil.* 3. 4. *Eng.*

IX. Provided nevertheleſs, That the wife of ſuch perſon ſo diſabled, being a proteſtant, ſhall have and be intituled to her dower and thirds at the common law, as ſhe would have been if this act had not been made.

Proteſtant wife not barred of her dower.

X. And

X. And be it further enacted by the authority aforeſaid, That all lands, tenements, or hereditaments, whereof any papiſt now is, or hereafter ſhall be, ſeized in fee-ſimple or fee-tail, ſhall from henceforth, ſo long as any papiſt ſhall be ſeized of or intituled to the ſame in fee-ſimple or fee-tail, be of the nature of gavelkind; and if not ſold, aliened, or diſpoſed of by ſuch papiſt in his life time for good and valuable conſideration of money really and *bona fide* paid, ſhall for ſuch eſtate from ſuch papiſt deſcend to, and be inherited by, all and every the ſons of ſuch papiſt any way inheritable to ſuch eſtate, ſhare and ſhare like, and not deſcend on or come to the eldeſt of ſuch ſons only, being a papiſt, as heir at law; and ſhall in like manner from ſuch reſpective ſons, being papiſts, deſcend to and be inherited by all and every the ſons of ſuch ſons, ſhare and ſhare like, and not deſcend to the eldeſt of ſuch ſons, being a papiſt, as heir at law only; and that for want of iſſue male of ſuch papiſt, the ſame ſhall deſcend to all his daughters any way inheritable to ſuch eſtate in equal proportions; and for want of ſuch iſſue, among the collateral kindred of ſuch papiſt, of the kin of his father, any way inheritable to ſuch eſtate in equal degree; and for want of ſuch kindred, to the collateral kindred of ſuch papiſt of the kin of his mother, any way inheritable to ſuch eſtate, and not otherwiſe; notwithſtanding any grant, ſettlement, or diſpoſition by will or otherwiſe, that ſhall be made by ſuch papiſt, other than ſuch ſale, alienation, or diſpoſition, to be made by ſuch papiſt as aforeſaid; ſubject nevertheleſs to all ſuch debts and real incumbrances at the time of the deceaſe of ſuch papiſt charging ſuch eſtate.

A. D. 1703. Chap. 6.

8 *June* 3. *to take effect from firſt day of this ſeſſion.*

Papiſt ſeiſed in fee or fee tail, if not ſold in his life for good conſideration of money *bona fide* paid, it ſhall deſcend to all the ſons, and not to the eldeſt being papiſt,

and ſo to their ſons,

for want of ſons, to daughters,

then to collaterals of kin to the father,

then of the mother,

But ſubject to debts and incumbrances at death of ſuch papiſt charging the eſtate.

XI. Provided nevertheleſs, it ſhall and may be lawful to and for ſuch papiſt to charge ſuch his eſtate with reaſonable maintenances and portions for his daughters, to be raiſed and paid in ſuch manner as he ſhall direct.

Such papiſt may charge reaſonable maintenances for daughters.

XII. Provided always, That if the eldeſt ſon or heir at law of ſuch papiſt ſhall be a proteſtant at the time of the deceaſe of ſuch papiſt, whoſe heir he ſhall be, ſuch certificate of ſuch eldeſt ſon, being a proteſtant, not having been enrolled in the life of ſuch papiſt, the lands, whereof ſuch papiſt ſhall be ſo ſeized, ſhall deſcend to ſuch eldeſt ſon or heir at law according to the rules of the common law of this realm, ſo as ſuch certificate of the biſhops, as aforeſaid, be inrolled within three months after the deceaſe of ſuch papiſt in the ſaid court of Chancery; ſubject nevertheleſs to ſuch debts and real incumbrances at the time of the deceaſe of ſuch papiſt charging ſuch eſtate: and if the eldeſt ſon or heir at law of any ſuch papiſt, who ſhall at the time of the deceaſe of ſuch papiſt, whoſe heir he is, be of the age of one and twenty years, ſhall become a proteſtant and conform himſelf to

Eldeſt ſon being proteſtant, the lands ſhall deſcend to him, if he inrolls biſhop's certificate in three months after death of ſuch papiſt,

ſubject to debts and incumbrances of ſuch papiſt charging the eſtate.

A. D. 1703. Chap. 6.

to the church of Ireland, as by law eſtabliſhed, within one year after ſuch deceaſe of ſuch papiſt, or, being then under the age of one and twenty years, ſhall within one year after he ſhall attain that age become a proteſtant, and conform himſelf as aforeſaid, that then from the time of the inrolment in the court of Chancery of the certificate of the biſhop of the dioceſs, in which he ſhall inhabit, teſtifying his being a proteſtant, and conforming as aforeſaid, in manner aforeſaid, ſuch inrolment being made within ſuch year, he ſhall be intituled to, and ſhall have, and enjoy from thenceforth the whole real eſtate of ſuch papiſt, as he might have done if he had been a proteſtant at the time of the deceaſe of ſuch papiſt, whoſe heir he is; notwithſtanding any grant, ſettlement, or diſpoſition by will or otherwiſe, that ſhall be made by ſuch papiſt, other than ſuch ſale, alienation, or diſpoſition, to be made by ſuch papiſt as aforeſaid; ſubject nevertheleſs to ſuch debts and real incumbrances at the deceaſe of ſuch papiſt charging ſuch eſtate: and in every caſe where ſuch eldeſt ſon ſhall be intituled as aforeſaid by reaſon of his being a proteſtant, ſuch real eſtate ſhall be chargeable and charged with ſuch ſum and ſums of money for the maintenance and portions of the daughters and younger ſons of ſuch papiſt, as the court of Chancery ſhall direct and appoint to be raiſed for them, and ſhall be raiſed and paid according to ſuch direction; ſuch portions not to exceed the value of one third part of ſuch eſtate.

if eldeſt ſon being 21 at death of ſuch papiſt conforms in a year after, or in a year after he attains 21, he ſhall have the whole real eſtate from inrolment of the certificate, notwithſtanding any ſettlement, &c. except ſuch alienation as aforeſaid, but ſubject to debts and incumbrances, and in every caſe ſubject to maintenance and portions of daughters and younger ſons, as Chancery directs, not exceeding one third of eſtate.

XIII. Provided always, That ſuch lands, tenements, and hereditaments, when and during ſuch time as any proteſtant ſhall be ſeized thereof in fee-ſimple or fee-tail, ſhall from ſuch proteſtant be deſcendable according to the rules of the common law of this realm, and not otherwiſe.

Such lands deſcendable from a proteſtant according to rules of common law.

XIV. And be it further enacted, That all debts and other real incumbrances, that do, may, or ſhall, before the firſt day of February one thouſand ſeven hundred and three, charge or incumber any real eſtate of any papiſt within this kingdom, ſhall on or before the firſt day of June, that will be in the year of our Lord one thouſand ſeven hundred and four, be inrolled in the court of Exchequer in rolls for that purpoſe to be appointed by the ſaid court; which rolls ſhall be kept in ſome publick office or place belonging to the ſaid court, to be appointed by the ſaid court for that purpoſe, where all perſons may at all ſeaſonable times reſort to and have the peruſal of the ſame; and in default of ſuch inrolment of ſuch debts and incumbrances, the ſame ſhall not charge any lands of ſuch papiſt, when and during ſuch time as the ſame ſhall belong to a proteſtant; and alſo that all debts and incumbrances to be contracted and made after the ſaid firſt day of February one thouſand ſeven hundred and three, that ſhall or may charge

Debts and incumbrances on eſtate of a papiſt before the firſt of Feb. 1703, ſhall before the 1ſt of June 1704, be inrolled in Exchequer: thoſe after ſaid 1ſt of February in ſix months after making thereof; ſaid rolls to be kept in publick office. in default of inrolment the lands, while belonging to a proteſtant, not to be charged.

charge or incumber any real eſtate of any papiſt, ſhall within ſix months next after the making thereof be inrolled in the ſaid court of Exchequer in rolls in like manner to be appointed and to be kept, reſorted to, and peruſed as aforeſaid; and in default of ſuch inrolment of ſuch incumbrance, the ſame ſhall not charge the lands of any papiſt, when and during ſuch time as they ſhall belong to a proteſtant. A. D. 1703. Chap. 6.

XV. Provided always, that no perſon ſhall take benefit by this act as a proteſtant within the intent and meaning hereof, that ſhall not conform to the church of Ireland as by law eſtabliſhed, and ſubſcribe the declaration, and alſo take and ſubſcribe the oath of abjuration following, *viz.*

None ſhall take benefit of this act as a proteſtant, who does not conform, and ſubſcribe the declaration and take the oath of abjuration following.

I A. B. *do ſolemnly and ſincerely, in the preſence of God, profeſs, teſtify, and declare, That I do believe, that in the ſacrament of the Lord's-Supper there is not any tranſubſtantiation of the elements of bread and Wine into the body and blood of Chriſt, at or after the conſecration thereof, by any perſon whatſoever; and that the invocation or adoration of the Virgin Mary, or any other ſaint, and the ſacrifice of the maſs, as they are now uſed in the church of Rome, are ſuperſtitious and idolatrous. And I do ſolemnly, in the preſence of God, profeſs, teſtify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary ſenſe of the words read unto me, as they are commonly underſtood by Proteſtants, without any evaſion, equivocation, or mental reſervation whatſoever; and without any diſpenſation already granted me for this purpoſe by the Pope, or any other authority or perſon whatſoever, or without any hope of diſpenſation from any perſon or authority whatſoever, or without believing that I am, or can, be acquitted before God or man, or abſolved of this declaration, or any part thereof, although the Pope or any other perſon or perſons, or power whatſoever ſhould diſpenſe with or annul the ſame, or declare that it was null and void from the beginning.*

8 *Anne* 3. *further qualification.*

I A. B. *do truly and ſincerely acknowledge, profeſs, teſtify, and declare in my conſcience, before God and the world, That our Sovereign Lady Queen Anne is lawful and rightful Queen of this realm, and of all other her Majeſty's dominions and countries thereunto belonging. And I do ſolemnly and ſincerely declare, that I do believe in my conſcience, that the perſon pretended to be prince of Wales, during the life of the late King James, and ſince his deceaſe, pretending to be, and taking upon himſelf the ſtyle and title of, King of England, by the name of James the third, hath not any right or title whatſoever to the crown of this realm, or any other the dominions thereto belonging: and I do renounce, refuſe, and abjure, any allegiance or obedience to him. And I do ſwear, that I will bear*

A. D. 1703. Chap. 6.

faith and true allegiance to her Majeſty queen Anne, and her will defend to the utmoſt of my power againſt all traiterous conſpiracies and attempts whatſoever, which ſhall be made againſt her perſon, crown, or dignity. And I will do my beſt endeavour to diſcloſe and make known to her Majeſty, and her ſucceſſors, all treaſons and traiterous conſpiracies, which I ſhall know to be againſt her or any of them. And I do faithfully promiſe to the utmoſt of my power to ſupport, maintain, and defend the limitation and ſucceſſion of the crown againſt him the ſaid James, and all other perſons whatſoever, as the ſame is and ſtands limited by an act intituled, An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown, *to her preſent Majeſty, and the heirs of her body being proteſtants: and as the ſame by one other act, intituled,* An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject, *is and ſtands limited, after the deceaſe of her Majeſty, and for default of iſſue of her Majeſty, to the princeſs Sophia, electoreſs and dutcheſs dowager of Hanover, and the heirs of her body being proteſtants. And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to theſe expreſs words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, mental evaſion, or ſecret reſervation whatſoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promiſe, heartily, willingly, and truly, upon the true faith of a Chriſtian.*

So help me God.

Every perſon bearing office, or receiving ſalary, &c. by reaſon of a patent or grant, or having command or truſt from the crown, on 1ſt of Eaſter term 1704, ſhall appear before the end of ſaid term, or in Trinity term, in one of the four courts, and between nine and twelve, take the oaths and make the declaration in 3 *W. & M.* 2. *Eng.*

XVI. And be it further enacted, That all and every perſon and perſons whatſoever, as well peers as commoners of this kingdom, who ſhall bear any office or offices civil or military, or ſhall receive any pay, ſalary, fee, or wages belonging to, or by reaſon of, any office or place of truſt by reaſon of any patent or grant from her Majeſty, or any of her Majeſty's predeceſſors, or ſhall have command or place of truſt from or under her Majeſty, or any of her predeceſſors, or by her or their authority, or by authority derived from her or them, within the realm of Ireland, on the firſt day of Eaſter-term, which ſhall be in the year of our Lord one thouſand ſeven hundred and four, every ſuch perſon or perſons ſhall perſonally appear before the end of the ſaid term, or in Trinity term then next following, in her Majeſty's high court of Chancery, or in her Majeſty's court of Queen's-bench, court of Common-pleas, or court of Exchequer, and then in publick and open court, between the hours of nine of the clock and twelve in the forenoon, take the ſeveral oaths, and publickly make and repeat the declaration, appointed or required to be taken, made, or

ſubſcribed

ſubſcribed within this kingdom, in and by an act of Parliament made in England in the third year of the reign of their late Majeſties King William and Queen Mary, intituled, *An act for the abrogating the oath of ſupremacy in Ireland, and appointing other oaths*; and alſo ſhall at the ſame time take the oath of abjuration, appointed to be taken by an act of Parliament made in England in the firſt year of her preſent Majeſty's reign, intituled, *An act to declare the alterations in the oath appointed to be taken by the act*, intituled, [*An act for the further ſecurity of her Majeſty's perſon, and the ſucceſſion of the crown in the proteſtant line; and for extinguiſhing the hopes of the pretended prince of Wales, and all other pretenders, and their open and ſecret abettors; and for declaring the aſſociation to be determined:*] unto which oaths and declaration, ſo taken, every perſon ſo taking the ſame ſhall ſubſcribe his name or make his mark; and during the time of taking thereof by the ſaid perſon and perſons all pleas and proceedings in the ſaid reſpective courts ſhall ceaſe: and that all and every of the ſaid reſpective perſons and officers, not having taken the ſaid oaths in one of the ſaid reſpective courts, and ſubſcribed the ſame and the ſaid declaration as aforeſaid, ſhall on or before the firſt day of Auguſt one thouſand ſeven hundred and four, at the general quarter-ſeſſions for the county, barony or place where he or they ſhall be, inhabit, or reſide, on the twentieth day of May one thouſand ſeven hundred and four, take the ſaid oaths, and make and repeat the ſaid declaration, and ſubſcribe his name, or make his mark under the ſaid oaths and declaration in open court, between the ſaid hours of nine and twelve of the clock in the forenoon: and the ſaid reſpective officers aforeſaid ſhall alſo receive the ſacrament of the Lord's ſupper, according to the uſage of the church of Ireland, before the firſt day of Auguſt in the year of our Lord one thouſand ſeven hundred and four, in ſome pariſh church upon ſome Lord's day, commonly called Sunday, immediately after divine ſervice and ſermon.

A. D. 1703. Chap. 6.

1 G. 1. 13. *ſtat.* 2. *Eng.* 29 G. 2. 24. *Proteſtant diſſenters, commiſſioners of array, &c. omitting to qualify, indemnified.*

And alſo the oath of Abjuration, 1 *Anne* 22 *ſtat.* 1. *Eng.*

And ſubſcribe his name, or make his mark.

All pleas to ceaſe during the time.

And not having taken ſaid oaths, *&c.* in one of ſaid courts, ſhall at quarter-ſeſſions for the place where he reſides take them as aforeſaid.

and alſo receive the ſacrament in church on ſunday.

XVII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, that ſhall be admitted, entered, placed, or taken into any office or offices, civil or military, or ſhall receive any pay, ſalary, fee, or wages belonging to or by reaſon of any office or place of truſt, by reaſon of any patent or grant from her Majeſty, or ſhall have command or place of truſt from or under her Majeſty, or any of her predeceſſors or ſucceſſors, or by her or their authority, or by authority derived from her or them, within this realm of Ireland, after the firſt day of Eaſter-term aforeſaid, ſhall take the ſaid oaths and repeat the ſaid declaration, and ſubſcribe the ſaid oaths and declaration, in one of the ſaid reſpective courts in the next term, or at the general

1 G. 1. 13. *ſtat.* 2. *Eng.*

Every perſon that ſhall be admitted into any office, *&c.* after ſaid 1ſt of Eaſter-term ſhall take ſaid oaths and repeat ſaid declaration in the next term or quarter-ſeſſions after as aforeſaid.

A. D. 1703. Chap. 6.

ral quarter-ſeſſions for that county, barony, or place, where he or they ſhall reſide, next after his or their reſpective admittance or admittances into any ſuch office or offices as aforeſaid, after ſuch his or their admittance or admittances into the ſaid office or offices, imployment or imployments aforeſaid, between the hours aforeſaid, and no other; during which time all proceedings ſhall ceaſe as aforeſaid: and that all and every ſuch perſon or perſons, to be admitted after the ſaid firſt day of Eaſter-term as aforeſaid, not having taken the ſaid oaths in one of the ſaid courts, and ſubſcribed the ſame and the ſaid declaration as aforeſaid, ſhall in the next term, or at the general quarter-ſeſſions for that county, barony, or place, where he or they ſhall reſide, next after ſuch his or their reſpective admittance or admittances into any of the ſaid reſpective offices or imployments aforeſaid, after ſuch his or their admittance or admittances into the ſaid office or offices, imployment or imployments aforeſaid, take the ſaid ſeveral and reſpective oaths, and make and repeat the ſaid declaration, and ſubſcribe his name, or make his mark, under the ſaid oaths and declaration, in one of the ſaid reſpective courts as aforeſaid, between the hours aforeſaid, and no other; during which time all proceedings ſhall ceaſe as aforeſaid: and all and every ſuch perſon and perſons, ſo to be admitted as aforeſaid, ſhall alſo receive the ſacrament of the Lord's ſupper according to the uſage of the church of Ireland, within three months after his or their admittance in or receiving their ſaid authority and imployments in ſome publick church, upon the Lord's-day commonly called Sunday, immediately after divine ſervice and ſermon: and every of the ſaid reſpective perſons, touching whom the ſaid ſeveral proviſions are here before made, in the reſpective court, where he or ſhe takes the ſaid oaths, ſhall firſt deliver a certificate of ſuch his or her receiving the ſaid ſacrament as aforeſaid, under the hands of the reſpective miniſter and church-wardens; and ſhall then make proof of the truth thereof by two credible witneſſes at the leaſt, upon oath: all which ſhall be enquired of and put upon record in their reſpective courts.

1 G. 2. 2. the ſame term or ſeſſions in which admitted.

And alſo receive the ſacrament as aforeſaid in three months after admittance.

And in the court where ſaid oaths taken ſhall firſt deliver certificate of receiving the ſacrament under hands of miniſter and church wardens, and proof by two witneſſes on oath,

all which inquired of and recorded.

XVIII. And be it further enacted, That all and every the perſon or perſons aforeſaid, who do or ſhall refuſe or neglect to take the ſaid oaths and ſacrament, and to deliver ſuch a certificate of his receiving the ſacrament as aforeſaid, or to ſubſcribe the ſaid declaration as aforeſaid, in one of the ſaid courts and places, and at the reſpective times aforeſaid, ſhall be *ipſo facto* adjudged incapable and diſabled in law to all intents and purpoſes whatſoever to have, occupy, or enjoy the ſaid office or offices, imployment or imployments, or any part of them, or any matter or thing aforeſaid, or any profit or advantage appertaining to them, or any of them;

On refuſal or neglect, incapable to enjoy ſaid office or employment, which ſhall be void.

them; and every ſuch office and place, imployment and imploy- A. D.
ments ſhall be void, and is hereby adjudged void; and that all and 1703.
every ſuch perſon or perſons, that ſhall neglect or refuſe to take the Chap. 6.
ſaid oaths or the ſacrament as aforeſaid, and make and ſubſcribe
ſuch declaration, and deliver ſuch certificate of his receiving the
ſacrament as aforeſaid, within the times and in the places aforeſaid,
and in the manner aforeſaid, and yet after ſuch neglect or refuſal
ſhall execute any of the ſaid offices or imployments after the ſaid
times expired, wherein he or they ought to have taken the ſaid
oaths, and made and ſubſcribed the ſaid declaration, and being
thereupon lawfully convicted in or upon any information, preſent-
ment, or indictment in any of her Majeſty's courts in Dublin, or
at the aſſizes, every ſuch perſon and perſons ſhall be diſabled from
thenceforth to ſue or uſe any action, bill, plaint, or information,
in courſe of law, or to proſecute in any ſute in any court of equi-
ty, or to be guardian of any child, or executor or adminiſtrator of
any perſon, or capable of any legacy or deed of gift, or to bear
any office within this realm, and ſhall forfeit the ſum of five hun-
dred pounds, to be recovered by him or them that ſhall ſue for
the ſame; to be proſecuted by any action of debt, ſute, bill, plaint,
or information in any of her Majeſty's ſaid courts in Dublin,
wherein no eſſoign, protection, or wager of law ſhall lye.

And executing ſaid offices afterwards, upon conviction diſabled to ſue, or to be guardian, executor, or adminiſtrator, or take legacy or deed of gift, or bear office, and forfeit 500 l. to proſecutor.

6 G. 1. 9. *indemnifies perſons who had not qualified, and limits the time for proſecution.*

12 G. 1. 6. *and ſubſequent acts from time to time.*

1 G. 3. 4.

XIX. And be it further enacted by the authority aforeſaid, That the names of all and ſingular ſuch perſons and officers aforeſaid, that do or ſhall take the oaths, and make and ſubſcribe ſuch declaration as aforeſaid, ſhall be in the reſpective courts of Chancery, Queen's-bench, Common-pleas, and Exchequer, and the quarter-ſeſſions, inrolled, with the day and year of their taking the ſaid oaths, and making and ſubſcribing the ſaid declaration, in rolls made and kept only for that intent and purpoſe, and for no other, to the inrolment whereof every perſon may reſort and look on without fee or reward; and none of the perſon or perſons aforeſaid ſhall give or pay any fee or reward to any of the officers belonging to any of the courts aforeſaid, above the ſum of ſix pence for his or their entry, or his or their taking the oaths aforeſaid.

The names of the perſons taking ſaid oaths, &c. and the time, ſhall be inrolled in the court, paying 6 d. for entry:

to which all may reſort without fee.

XX. And be it further enacted, That it ſhall and may be lawful to and for the reſpective courts aforeſaid to give and adminiſter the oaths, and tender the declaration aforeſaid, to the ſaid perſon and perſons; and on due tender of any perſon or perſons to take the ſaid oaths, the ſaid courts are hereby enjoyned and required to adminiſter the ſame.

Said courts ſhall adminiſter ſaid oaths, &c.

XXI. Provided always, That any perſon, who by any neglect or refuſal ſhall loſe or forfeit any office, may be capable of a new grant of the ſaid office or of any other, and have and hold the

Perſons forfeiting capable of a new or any other

A. D. 1703. Chap. 6.

ſame again, ſuch perſon taking the ſaid oaths and ſubſcribing the ſame, and the ſaid declaration, in ſuch manner as aforeſaid, and producing ſuch certificate as aforeſaid, and proving the ſame at the time of taking the ſaid oaths as aforeſaid, of his having received the ſacrament according to the uſage of the church of Ireland within three months then laſt paſt; ſo as ſuch office be not granted to and actually enjoyed by ſome other perſon at the time of the re-granting thereof.

grant, on taking the oaths, &c. if the office not then granted to another.

XXII. Provided alſo, That no ſuch neglect to take the ſaid oaths, and ſubſcribe the ſame and the ſaid declaration, or receive the ſacrament, ſhall affect any perſon that now is or at any time hereafter ſhall be in England, who by virtue of this act ought to take the ſaid oaths, and make and ſubſcribe the ſaid declaration, and receive the ſacrament of the Lord's ſupper as aforeſaid, ſo that he take the ſaid oaths, and make and ſubſcribe the ſaid declaration in one of her Majeſty's courts at Weſtminſter, or at the general quarter-ſeſſions for the county or place, where he ſhall reſide, inhabit, or be, and receive the ſacrament of the Lord's ſupper according to the uſage of the church of England, and produce ſuch certificate thereof at the time of his taking the ſaid oaths and ſubſcribing the ſaid declaration, within the ſaid reſpective times hereby appointed for performing the ſame in this kingdom, or any perſon that now is, or at any time hereafter during the time, or any part thereof, appointed for taking the ſaid oaths and receiving the ſacrament, ſhall be beyond the ſeas out of England and Ireland, or in her Majeſty's ſervice on board the fleet, ſo as ſuch perſon do the next term, or at the next general quarter-ſeſſions for the county, barony, or place where he ſhall reſide after his return into England or Ireland, take the ſaid oaths, and repeat and ſubſcribe the ſaid declaration, and receive the ſacrament within four months after ſuch his return, according to the uſage of the church of England or Ireland, and ſhall deliver ſuch certificate thereof, and make ſuch proof thereof at the time of his taking the ſaid oaths and repeating and ſubſcribing the ſaid declaration as aforeſaid, either in England or Ireland; or any perſon or perſons under the age of eighteen, or found by an inquiſition to be *non compos mentis*, ſo as ſuch perſon or perſons within four months next after their coming to the ſaid age of eighteen, or becoming of ſound mind, take the ſaid oaths and ſubſcribe the ſame and the ſaid declaration, and receive the ſacrament of the Lord's ſupper, according to the uſage of the church of Ireland, and produce ſuch certificate thereof as aforeſaid, at the time of the taking the ſaid oaths, in like manner as other perſons admitted or to be admitted into any office or imployment are herein before appointed to do; nor ſhall be conſtrued to make void the grant of any

No ſuch neglect ſhall affect a perſon in England, taking the oaths, &c. at Weſtminſter, or quarter-ſeſſions where he reſides:

or beyond ſeas, or on board the fleet, taking the oaths, &c. next term or ſeſſions after return, and receiving the ſacrament in 4 months after:

or perſon under 18, or found *non compos*, taking the oaths, &c. in 4 months after 18, or becoming *ſane*:

any office or offices of inheritance, or any fee, ſalary, or reward for executing ſuch office or offices, ſo as ſuch perſon or perſons, having or enjoying any ſuch office or offices of inheritance, do and ſhall ſubſtitute ſome proteſtant or proteſtants, being duly qualified to execute the ſaid office or offices, to be his or their deputy or deputies, which ſuch officer or officers reſpectively are hereby impowered from time to time to make or change, to exerciſe the ſaid office or offices, until ſuch time as the perſon or perſons having ſuch office or offices ſhall voluntarily in one of the courts aforeſaid take the ſaid oaths, and ſubſcribe the ſame and the ſaid declaration, and receive the ſacrament of the Lord's ſupper according to the uſage of the church of Ireland, and produce a certificate thereof at the time of his taking the ſaid oaths; and ſo as all and every ſuch deputy and deputies take the ſaid oaths, and ſubſcribe the ſame and the ſaid declaration, in one of the courts or places aforeſaid, and receive the ſacrament of the Lord's ſupper, and produce a certificate thereof at the time of his taking and ſubſcribing the ſaid oath and declaration, in ſuch manner as ſuch officers, whoſe deputies they are, are hereby appointed to do; ſo as ſuch deputy or deputies be from time to time approved of by the Queen's moſt excellent Majeſty, or the chief governor or governors of this realm; or to extend to the office of any high conſtable, petty conſtable, tything-man, head-borough, overſeer of the poor, church-wardens, ſurveyors of the high-ways, or any like inferior civil office in the kingdom of Ireland, or any office of forreſter or keeper of any park, chaſe, warren, or game, or bayliff of any mannor or lands, or any like private offices.

A. D. 1703. Chap. 6.

nor where a proteſtant deputy ſubſtituted, taking the oaths, &c. and approved of by the Queen or chief governors:

nor to extend to conſtables, or like inferior civil officers,

nor to private offices. 8 *Anne* 3.

XXIII. And whereas by an act made in the reign of the late King Charles the ſecond, intituled, *An act for the explaining ſome doubts ariſing upon an act*, intituled, [*An act for the better execution of his Majeſty's gracious declaration for the ſettlement of this kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of the ſeveral adventurers, ſoldiers, and other his ſubjects there: and for making ſome alterations of, and additions unto the ſaid act, for the more ſpeedy and effectual ſettlement of the ſaid kingdom:*] it is among other things provided, "That no perſon or perſons ſhould purchaſe "any houſes therein mentioned within any corporation in this "kingdom, nor take any leaſe thereof, but ſuch as ſhould take the "oaths of allegiance and ſupremacy, without the licence of the "chief governor or governors of this kingdom and privy council;" which law, if it had been duly obſerved, would in great meaſure have prevented the late rebellion in this kingdom: and whereas the peace and ſafety of this kingdom, and the welfare of your Majeſty's proteſtant ſubjects, will much depend on the ſecurity of the city of Limerick, and town of Galway, and on their being in poſſeſſion of your Majeſty's proteſtant ſubjects,

Recital of 17 & 18 *C.* 2. 2. *ſect.* 36. that perſons not taking oaths ſhould not purchaſe houſes in corporations.

D. A. 1703. Chap. 6.

jects, being conſiderable garriſons in this your Majeſty's kingdom: be it enacted by the authority aforeſaid, That no perſon or perſons, that are or ſhall be papiſts, or profeſs the popiſh religion, ſhall or may, after the twenty fourth day of March in the year of our Lord one thouſand ſeven hundred and three, take or purchaſe any houſe or tenement, or come to dwell or inhabit within the ſaid city of Limerick, or ſuburbs thereof, or within the town of Galway, or ſuburbs thereof: and that every perſon of the Popiſh religion now inhabiting within the ſaid city or ſuburbs of Limerick, or within the ſaid town or ſuburbs of Galway, ſhall, before the ſaid twenty fourth day of March next enſuing, before the chief magiſtrate of the ſaid reſpective city or town become bound to her Majeſty, her heirs and ſucceſſors, with two ſufficient ſureties, in a reaſonable penal ſum, to be aſcertained by the chief magiſtrate, recorder, and ſheriffs of the ſaid city and town reſpectively, or any two of them, with condition for his or her faithfully bearing themſelves towards her Majeſty, her heirs and ſucceſſors; or in default of giving ſuch ſecurity, ſuch perſons ſhall depart out of the ſaid city, ſuburbs, and town aforeſaid, on or before the twenty fifth day of March, in the year of our Lord one thouſand ſeven hundred and five.

No papiſt ſhall dwell in Limerick or Galway, or the ſuburbs: *vid. ſect.* 28. and papiſts now inhabitants thereof ſhall give ſecurity for their fidelity, or depart.

XXIV. And for the preventing Papiſts having it in their power to breed diſſention amongſt Proteſtants by voting at elections of members of Parliament; be it further enacted by the authority aforeſaid, That from and after the twenty fourth day of March one thouſand ſeven hundred and three, no freeholder, burgeſs, freeman, or inhabitant of this kingdom, being a Papiſt or profeſſing the Popiſh religion, ſhall at any time hereafter be capable of giving his or their vote for the electing of knights of any ſhires or counties within this kingdom, or citizens or burgeſſes to ſerve in any ſucceeding Parliament, without firſt repairing to the general quarter-ſeſſions of the peace to be holden for the counties, cities, or boroughs, wherein ſuch Papiſt do inhabit and dwell, and there voluntarily take the oath of allegiance in the words following, *viz.*

No papiſt to vote at elections, without firſt taking oath of allegiance and abjuration at quarter-ſeſſ.
2 *G.* 1. 19.
1 *G.* 2. 9.
7 & 8 *Wil.* 3. 27. *ſect.* 19. *Eng.*
6 *Anne* 23. *ſect.* 13. *Eng.*

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful, and bear true allegiance to her Majeſty Queen* Anne.

So help me God, &c.

And alſo the oath of abjuration aforeſaid: and after the taking of the ſaid ſeveral oaths aforeſaid, the clerk of the peace, officiating in the ſeſſions, ſhall and is by this act directed to enter the ſame upon record in the rolls of the ſaid ſeſſions; and is hereby impow-

To be entered by clerk of peace, and certificate thereof given, paying 1 s.

impowered and required to give and deliver to such person or persons, so taking the said oaths, a certificate of such persons so taking and subscribing the same, for which certificate the sum of one shilling, and no more, shall be paid; which said certificate being produced to the high sheriff of the said county, or any of his deputies at any such elections for knights of the shire, and to the respective chief officer or officers of any city, town corporate, or borough in this kingdom, to whom the return of any citizen or burgess to serve in Parliament doth or shall respectively belong, he or they shall be permitted to vote as amply and fully as any Protestant freeholder, burgess, or freeman, or inhabitant of the said county, city, or borough: but in case any freeholder, burgess, freeman, or inhabitant, being a Papist, shall appear at any such election as aforesaid, and tender himself to be polled for any candidate, who shall stand for knight of the shire, citizen, or burgess to service in any ensuing Parliament, without producing such certificate as aforesaid to the said sheriff, or other officer or officers as aforesaid, the said sheriff, or other officer or officers, to whom such return doth or shall respectively belong, shall reject such person, and absolutely refuse to enter his vote, as if he were no freeholder of the said county, or burgess, freeman, or inhabitant of the said city or borough; any former law, statute, or usage, to the contrary notwithstanding.

A. D. 1703. Chap. 6.

on producing which he shall be permitted to vote:

otherwise rejected.

XXV. And be it further enacted by the authority aforesaid, That where any Papist, or person professing the Popish religion, do or shall claim, enjoy, or possess any advowson or advowsons of churches, right of patronage, or presentation to any ecclesiastical benefice, or where any Protestant or Protestants do or shall hold, claim, enjoy, or possess any advowson or advowsons of churches, right of patronage, or presentation to any ecclesiastical benefice or benefices in trust or for the use and benefit of any Papist or Papists whatsoever; that every such advowson and right of patronage or presentation shall be hereby *ipso facto* vested in her Majesty, her heirs and successors, according to such estates as such Papist had in the same, until such time as such Papist, or the heir or heirs of such Papist, shall take the said oath, and subscribe the said declaration and abjuration, and conform as aforesaid.

Advowsons, &c. in papists, or protestants in trust for them, vested in the Queen till they or their heirs take said oath, &c.

3 *J.* 1. 5. *Eng.*
1 *W.* & *M.* 26. *sess.* 1. *Eng.*

XXVI. And whereas the superstitions of Popery are greatly increased and upheld by the pretended sanctity of places, especially of a place called Saint Patrick's purgatory in the county of Donegal, and of wells, to which pilgrimages are made by vast numbers at certain seasons; by which not only the peace of the publick is greatly disturbed, but the safety of the government also hazarded, by the riotous and unlawful assembling together of many thousands of Papists to the said wells and other places: be it further

Popish superstitions increased by pretended sanctity of places, as St. Patrick's purgatory and wells, to which pilgrimages made: publick peace thereby disturbed:

A. D. 1703. Chap. 6.

enacted, That all ſuch meetings and aſſemblies ſhall be deemed and adjudged riots and unlawful aſſemblies, and puniſhable as ſuch in all or any perſons meeting at ſuch places as aforeſaid; and all ſheriffs, juſtices of the peace, and other magiſtrates are hereby required to be diligent in putting the laws in force againſt all offenders in the above particulars in due execution.

all ſuch aſſemblies deemed riots and unlawful, ſheriffs, &c. to put the laws in execution.

XXVII. And for the more effectual preventing and ſuppreſſing all ſuch ſuperſtitious, dangerous, and unlawful aſſemblies; be it further enacted, That all and every perſon and perſons meeting or aſſembling at Saint Patrick's purgatory aforeſaid, or at any ſuch well or place contrary to this act, and who ſhall be thereof convict by his or their own confeſſion, or by the teſtimony of one or more ſufficient witneſs or witneſſes, upon oath before any juſtice of the peace in any county, or mayor, or other chief magiſtrate of any city, borough, town, or corporation, who ſhall have power by virtue of this act to miniſter ſuch oaths, where the offence ſhall be committed, or the party offending apprehended, ſhall forfeit the ſum of ten ſhillings, to be paid at ſuch time as by the ſaid juſtice of the peace, or other chief magiſtrate, ſhall be appointed; the one moiety thereof to ſuch perſon or perſons, who ſhall give information of the ſaid offence, and procure ſuch offender or offenders to be convicted, the other moiety to be diſpoſed of to the poor of the pariſh, where ſuch offender ſhall be convicted: and if ſuch offender or offenders ſhall neglect or refuſe to pay the ſaid ſums, to be aſſeſſed or appointed as aforeſaid, then the ſaid juſtices of the peace, or other chief magiſtrate, ſhall commit all and every ſuch offender and offenders to ſome conſtable or other inferior officer of the county, city, town, or corporation, where the ſaid offence ſhall be committed, or the party apprehended, to be publickly whipped; which puniſhment the ſaid conſtable or other inferior officer is hereby required publickly to inflict and execute upon ſuch offender purſuant to the order of the ſaid juſtice of the peace, or other chief magiſtrate, within the ſpace of twenty four hours after ſuch order received: and that all and every perſon and perſons, who at ſuch aſſemblies build booths, ſell ale, victuals, or other commodities, and ſhall be thereof lawfully convicted by the view of any juſtice of the peace of the ſame county, or of any chief magiſtrate within ſuch town, wherein the ſame ſhall or may be, or by confeſſion of the party, or by the oath of one or more credible witneſs or witneſſes, before ſuch juſtice of the peace, or other chief magiſtrate as aforeſaid, ſhall forfeit and pay the ſum of twenty ſhillings; to be forthwith levied by diſtreſs and ſale of the goods of ſuch offender, and in default of diſtreſs, by the impriſonment of the ſaid offender till payment thereof; all and every the ſaid penalties of twenty ſhillings to be applyed to the uſe and

Perſons meeting there forfeit on conviction 10 s. to informer and the poor:

on default of payment to be publickly whipped:

they who build booths, ſell ale, &c. there, forfeit 20 s.

by diſtreſs and ſale,

ſervice

ſervice of the publick, in ſuch manner as the juſtices of the peace for the ſaid county at their general quarter-ſeſſions ſhall appoint: and all and every the ſaid magiſtrates are hereby required to demoliſh all croſſes, pictures, and inſcriptions that are any where publickly ſet up, and are the occaſions of any Popiſh ſuperſtitions.

to uſe of the publick, as appointed at ſeſſions.

Magiſtrates to deſtroy croſſes, &c.

XXVIII. Provided always, That nothing herein contained ſhall be conſtrued to hinder ſeamen, fiſhermen, or day-labourers, from holding or dwelling in houſes worth forty ſhillings the year, or under, within the ſuburbs of the city of Limerick, or of the town of Galway.

Seamen, fiſhermen, and day-labourers may have houſes worth 40*s.* *per ann.* or under, in Limerick or Galway. *vid. ſect.* 23.

CHAP. VII.

An Act for regiſtering the Popiſh clergy.

WHEREAS two acts lately made for baniſhing all regulars of the Popiſh clergy out of this kingdom, and to prevent Popiſh prieſts from coming into the ſame, may be wholly eluded, unleſs the government be truly informed of the number of ſuch dangerous perſons as ſtill reſide among us: for remedy whereof, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every Popiſh prieſt or prieſts, who are now in this kingdom, ſhall, at the next general quarter-ſeſſions of the peace to be held in all the ſeveral counties, or counties of cities or towns, throughout this kingdom, next after the feaſt of St. John the Baptiſt, which ſhall be in the year of our Lord one thouſand ſeven hundred and four, return his or their names and places of abode to the reſpective clerks of the peace in the ſeveral counties, or counties of cities or towns, in this kingdom, where the ſaid Popiſh prieſts ſhall dwell or reſide, together with his or their age, the pariſh, of which he pretends to be Popiſh prieſt, the time and place of his or their firſt receiving Popiſh orders, and from whom he or they received the ſame; and ſhall then and there enter into recognizance with two ſufficient ſureties, each in the penal ſum of fifty pounds *ſterling*, that every ſuch Popiſh prieſt ſhall be of peaceable behaviour, and not remove out of ſuch county, where his or their place of abode lies, into any other part of this kingdom: and all and every Popiſh prieſt or prieſts, who ſhall not make ſuch return, and enter into ſuch recognizance with ſufficient ſureties as aforeſaid, and being thereof convict at the aſſizes or general quarter-ſeſſions of ſuch county, or counties of cities or towns, wherein he or they ſhall dwell or be apprehended, ſhall

9 *Wil.* 3. 1. 2 *Anne* 3.

Popiſh prieſts now in the kingdom, at next ſeſſions after St. John Baptiſt 1704 ſhall return their names, abode, ages, pariſhes, time and place of receiving orders, and from whom, and give ſecurity for behaviour, and not to remove to other parts of the kingdom,

8 *Anne* 3.

A. D. 1703. Chap. 7.

ſhall ſeverally be committed to the common goal of the reſpective counties, cities, or towns, where he or they ſhall be ſo convict, there to remain without bail or mainprize till he or they be tranſported: and that all and every ſuch Popiſh prieſt or prieſts, ſo convicted as aforeſaid, ſhall be tranſported out of this kingdom in like manner as Popiſh regulars, and incur like penalties upon their return into the ſame, as are to be inflicted on Popiſh regulars by an act, intituled, *An act for baniſhing all Papiſts exerciſing any eccleſiaſtical juriſdiction, and all regulars of the Popiſh clergy out of this kingdom:* and all and every the clerks of the peace are hereby required to tranſmit, within twenty days after every ſuch quarter-ſeſſions, all and every ſuch return to the clerk of the council in this kingdom, upon the penalty to forfeit to her Majeſty, her heirs and ſucceſſors, the ſum of ten pounds *ſterling* for every ſuch neglect to do the ſame; the ſaid penalty to be recovered by bill, plaint, or information in any of her Majeſty's courts of record; which tranſmitting of the ſaid return ſhall be incumbent on them, the ſaid clerks of the crown and peace, to prove by a receipt in writing under the hand of the ſaid clerk of the council, who is hereby required without fee or reward to give ſuch receipt on the penalty of twenty pounds *ſterling*; which ſaid penalty is to be recovered by bill, plaint, or information in any of her Majeſty's courts of record; which return, ſo tranſmitted, ſhall be kept by the ſaid clerk of the council, to be viewed by any perſon deſiring to ſee the ſame, without fee or reward.

Penalty, committed to goal till tranſported.

And ſhall be tranſported as popiſh regulars, and incur like penalties upon return as by 9 *Wil.* 3. 1. 8 *Anne* 3.

Clerk of peace in 20 days after ſeſſ. to tranſmit ſuch return (on pain of 10l.) to clerk of council,

who is to give a receipt without fee, on pain of 20l.

Return tranſmitted may be viewed without fee.

II. And to the end that ſuch Popiſh prieſts, as lately have been or may be convinced of the errors of the Romiſh church, may not ſuffer through want of maintenance, or other miſchievous effects of reſentment of bigotted Papiſts; be it enacted, That every ſuch Popiſh prieſt being approved of as a convert, and received into the church by the arch-biſhop or biſhop of the dioceſs, wherein he or they lived or reſided, and conforming himſelf to the church of Ireland as by law eſtabliſhed, and having taken the oaths, and made and ſubſcribed the declarations in ſuch manner; as the conformable clergy to the ſaid church of Ireland are obliged to do, at any quarter-ſeſſions in any county or city as aforeſaid, ſuch converted prieſt or prieſts ſhall have and receive the ſum of twenty pounds *ſterling* yearly and every year, during their reſidence in ſuch county, for their maintenance, and till they are otherwiſe provided for; ſubject nevertheleſs to ſuſpenſion or deprivation of the archbiſhop or biſhop of the dioceſs wherein he or they ſhall dwell or reſide, in like manner as the reſt of the inferior clergy of this kingdom; the ſaid ſum of twenty pounds to be levied on the inhabitants of ſuch county, or counties of cities or towns, where ſuch converted prieſt or prieſts did laſt officiate

Convert prieſts to have for maintenance 20l. yearly, during reſidence, till provided for, 8 *Anne* 3. 31 *G.* 2. 9.

ſubject to ſuſpenſion or deprivation,

levied on the county as money charged by grand juries,

A. D. 1703.

ciate or reſide, in like manner as money is levied, that is charged by grand juries upon the ſaid counties, or counties of cities or towns, and to be paid him or them by equal moieties, *(viz.)* one moiety at the feaſt of the annunciation of the bleſſed Virgin Mary, and the other moiety at the feaſt of St. Michael the archangel in every year; and every ſuch convert or converts ſhall publickly read the common prayer or liturgy of the church of Ireland in the Engliſh or Iriſh tongue in ſuch places, and at ſuch times, as the ſaid archbiſhops or biſhops ſhall direct or appoint.

and paid by moieties.

Such converts publickly to read liturgy, &c.

III. And it is further enacted by the authority aforeſaid, That no Popiſh pariſh prieſt ſhall keep or have any Popiſh curate, aſſiſtant, or coadjutor. And that all and every Popiſh prieſt, that ſhall neglect to regiſter himſelf purſuant to this act, ſhall depart out of this kingdom before the twentieth day of July, which ſhall be in the year of our Lord one thouſand ſeven hundred and four, on pain of being proſecuted as a Popiſh regular clergyman: and that all ſuch Popiſh prieſt and prieſts, that ſhall neglect to regiſter him or themſelves as aforeſaid, and remain in this kingdom after the ſaid twentieth day of July, ſhall be eſteemed a Popiſh regular clergyman, and proſecuted as ſuch.

No popiſh prieſt ſhall have a curate, &c.

8 *Anne* 3.

Popiſh prieſts neglecting to regiſter ſhall leave the kingdom before 20th June, 1704, on pain of proſecution as popiſh regulars.

IV. Provided always, That this act ſhall be given in charge at every general aſſizes; and the liſt of ſuch prieſts, that are regiſtred, ſhall be publickly read after the charge given. This act to continue in force for five years, and until the end of the next ſucceeding Parliament, and no longer.

This act to be given in charge at aſſizes, and regiſtered liſt read; to continue five years.

Explained and amended by 4 *Anne* 2. *which is made perpetual by* 8 *Anne* 3.

CHAP. VIII.

An act for quieting poſſeſſions, and diſpoſing of the undiſpoſed and plus acres.

WHEREAS it will very much tend to the proſperity of this kingdom, which hath been almoſt ruined by the frequent rebellions of Iriſh papiſts, and to the increaſe of your Majeſty's revenue, that your good ſubjects be quieted in their poſſeſſions, and incouraged to plant and improve the country; her Majeſty at the humble ſute of her ſubjects is graciouſly pleaſed that it may be enacted, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the lands called plus lands or plus acres, which are parcels of denominations of lands undiſpoſed of, where the reſidue of ſuch denominations have been granted to one or more by patent,

Plus acres (lands undiſpoſed of, reſidue whereof granted by patent) veſted in perſons in poſſeſſion thereof firſt October 1702, and their heirs.

A. D. 1703. Chap. 8.

ſhall be veſted in ſuch perſon or perſons, who on the firſt day of October one thouſand ſeven hundred and two were in poſſeſſion of ſuch plus acres by themſelves, their tenants or under-tenants, or thoſe deriving by, from, or under them, in their right, or under pretence or colour thereof, which ſaid perſon or perſons ſhall and may hold and enjoy ſuch plus acres to them and their heirs for ever; liable nevertheleſs to ſuch quit-rent, from the ſaid firſt day of October for the ſame, *pro rata*, as is payable out of the other part of ſuch denominations, and to no other rent whatſoever: and to the end the ſame may the better be put in charge, and that all controverſies and diſputes about the poſſeſſion of ſuch plus acres may be prevented, or ſoon determined, the chief governor or governors of this kingdom for the time being, and ſix or more of the privy council, are hereby impowered and authorized within three years ſummarily to hear and determine the reſpective claims of the ſeveral pretenders to the poſſeſſion of the ſaid plus acres on the ſaid firſt day of October one thouſand ſeven hundred and two, and to ſwear and examine witneſſes to aſcertain the fees in all offices relating to ſuch claims, and the inrolment thereof, and to do whatever elſe ſhall be neceſſary to a judicial determination of ſuch poſſeſſion; and their decree, which ſhall always aſcertain the quit-rent, and be entered and inrolled in the auditor general's office, ſhall be final and concluſive to all parties, and ſhall be as good and ſufficient in all courts and places, as if the ſaid lands had been granted by letters patents.

Liable to quit-rent only, *pro rata*.

Chief governors and ſix of privy council may in three years ſummarily hear and determine claims to ſaid poſſeſſion:

their decree (which ſhall aſcertain the quit-rent) final, and as ſufficient as if the lands granted by patent.

II. And whereas there are ſeveral denominations of lands entirely undiſpoſed, which, as alſo ſome of the aforeſaid plus acres, are ſo courſe and barren, that they are not worth the quit-rent they are liable unto, and therefore remain deſolate and not inhabited, but are a receptacle for thieves, robbers, and tories, to the great detriment of the country, and the decay of her Majeſty's revenue: be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful for the lord lieutenant, or other chief governor or governors of this kingdom for the time being, and ſix or more of the privy council, to demiſe, ſet, or grant the ſame, to ſuch perſon or perſons, being proteſtants, and for ſuch term of years as they ſhall think fit, at ſuch a reaſonable rent as may encourage ſuch perſon and perſons to plant and inhabit the ſame.

Lands entirely undiſpoſed of, and coarſe and barren parts of plus acres may be alſo demiſed to proteſtants for years, at reaſonable rent, to encourage planting and inhabiting thereof.

III. Provided always, That nothing herein contained ſhall extend or be conſtrued to avoid any right, title, eſtate, ſettlement, leaſe, charge, or other conveyance or incumbrance whatſoever in law or equity, made, done, or executed by the perſons, whoſe eſtates or poſſeſſions are hereby confirmed, or by the perſon or

All right and titles, except of the crown, remain as before.

or perſons, under whom he or they derive: but that the ſame, and all other right and titles, except the right and titles of her Majeſty, her heirs and ſucceſſors, to the ſaid lands, ſhall be and remain of the ſame force and effect between the parties, againſt them and every of them, as if this act had never been made. A. D. 1703.

CHAP. IX.

And act for quieting eccleſiaſtical perſons in their poſſeſſions.

WHEREAS by an act made in the tenth year of the reign of his late Majeſty King William the third of glorious memory, intituled, *An act for confirming eſtates and poſſeſſions held and enjoyed under the acts of ſettlement and explanation*, it is enacted, " That from and after the nine and twentieth " day of October one thouſand ſix hundred ninety eight, no per- " ſon or perſons whatſoever having, holding, or enjoying, any " houſes lands, tenements, or hereditaments, by virtue of any " certificates and letters patents, purſuant to the ſaid acts of " ſettlement and explanation, or either of them, ſhall be liable " to be removed from thence, or be obliged to relinquiſh his " or their intereſt, eſtate, or poſſeſſion therein, on any repri- " zals given, or offered to be given, by any perſon or per- " ſons intituled or pretended to be intituled to the ſame as a " nominee, letteree, enſign-man, proviſoe-man, or by any other " ways or means whatſoever, by virtue of the ſaid act of ſettle- " ment and explanation, or either of them; but that every " ſuch patentee, his heirs and aſſigns, ſhall and may for ever " have, hold, and enjoy, the ſaid lands, tenements, and here- " ditaments, according to the eſtate granted to him or them, " freed and diſcharged from the ſeveral clauſes and proviſoes " in the ſaid acts, or either of them, whereby he was made " liable to accept of reprizals for the ſame, and ſhall have, " hold, and enjoy the ſaid lands, tenements, and hereditaments " for the future confirmed unto him, his heirs and aſſigns, ac- " cording to the eſtate limited in the ſaid letters patents, " againſt all and every perſon and perſons claiming the ſame " as a nominee, letteree, enſign-man, proviſoe-man, or by any " other ways or means as aforeſaid, to all intents and pur- " poſes, as any other patentee by virtue of the ſaid act does " or ought to enjoy, the lands, tenements, or hereditaments " granted unto him; and alſo, that no perſon or perſons decreed " innocent, and by his or their decree left to law, who hath not " hitherto brought any action for, and actually recovered, the " houſes, lands, tenements, and hereditaments, for which he was ſo " left

Recital of 10 *Wil.* 3. 7.

A. D. 1703. Chap. 9.

"left to law, ſhall at any time after the paſſing the ſaid act, be "admitted to bring any action or ſute whatſoever for the reco- "very thereof, but ſhall be debarred from ſo doing, and his pre- "tended right be for ever determined, annulled and extinguiſhed": and foraſmuch as it ſeems reaſonable that all archbiſhops, biſhops, deans and chapter, miniſters, and all other eccleſiaſtical perſons, many of whoſe writings and other evidences have been loſt during the late war in this kingdom, ſhall be quieted and eſtabliſhed in their poſſeſſions, and freed from all ancient incumbrances: be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every archbiſhop, biſhop, dean and chapter, parſon, vicar, and all and every other eccleſiaſtical perſon or perſons whatſoever, and his and their ſucceſſor and ſucceſſors, ſhall from henceforth have, hold, poſſeſs, and enjoy, all and ſingular their mannors, lands, tenements and hereditaments, againſt all and every perſon and perſons claiming the ſame as nominee, letteree, enſign-man, or proviſoe-man, in ſuch manner as any patentee, provided for by the ſaid act, might hold and enjoy the ſame; and that no perſon or perſons decreed innocent, and by his decree left to law, who hath not hitherto brought any action for, and actually recovered, the houſes, lands, tenements, and hereditaments, for which he was ſo left to law, ſhall at any time after the paſſing this act be admitted to bring any action or ſuit whatſoever for recovery thereof againſt ſuch archbiſhop, biſhop, or other perſon whatſoever, but ſhall be debarred from ſo doing, and his pretended right for ever determined, annulled, and extinguiſhed.

Eccleſiaſtical perſons ſhall enjoy againſt nominee, letteree, enſign or proviſo-man, as any patentee by ſaid act might.

Perſons innocent not having brought action and recovered, barred.

II. And be it further enacted by the authority aforeſaid, for the effectual eſtabliſhing the eſtate and poſſeſſions of ſuch archbiſhops, biſhops, deans and chapter, and other eccleſiaſtical perſons, and for preventing their being ſued or impleaded on pretence of any antient incumbrances, be they judgments, recognizances, ſtatutes merchant or of the ſtaple, acknowledged or entred into on or before the twenty third day of October in the year of our Lord one thouſand ſix hundred forty one, that are not now depending, or, if depending, have not been proſecuted ſince the twenty third day of October one thouſand ſix hundred ninety one, that from henceforth no action ſhall lie, nor ſuit be admitted or proſecuted on any ſuch antient incumbrance for charging any lands, tenements, or hereditaments of any ſuch archbiſhop, biſhop, or other eccleſiaſtical perſon in any court either in law or equity; but that the lands, tenements, and hereditaments of ſuch archbiſhop, biſhop, or other eccleſiaſtical perſons,

Lands of eccleſiaſtical perſons diſcharged of antient incumbrances, before 23 October 1641, not now depending, or not proſecuted ſince 23 October 1691.

perſons, ſhall be diſcharged thereof; and that no proceſs; *ſcire facias*, or execution whatſoever, ſhall ever iſſue at any time hereafter on any ſuch antient incumbrance, but that the ſame, as to the ſaid archbiſhops, biſhops, and other eccleſiaſtical perſons, and their lands, tenements, and hereditaments, ſhall be taken and adjudged to be null and void. A. D. 1703.

Not to extend to prejudice right in decree by proteſtant in court of claims and before 22 Auguſt 1663.

III. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, in any wiſe to prejudice any debt, right, title, intereſt, or eſtate of, in, out of, or unto, any lands, tenements, or hereditaments, contained or mentioned in any judgment or decree, obtained by any proteſtant or proteſtants in the late court, or pretended court, for adjudication of the claims of innocents, or in the court of Exchequer, or any the Four courts ſitting at Dublin, before the two and twentieth day of Auguſt one thouſand ſix hundred ſixty three, nor to any chiefry or other incumbrances, whereof or whereon any intereſt, ſum of money, or other conſideration, hath been received ſince the paſſing the letters patents of ſuch forfeited lands, tenements, and hereditaments, claimed to be liable thereunto.

Nor to chiefry, or incumbrance whereon intereſt, &c. received ſince the letters patent.

CHAP. X.

An act for the exchange of glebes belonging to churches in this kingdom.

8 *G.* 1. 11, and 12.
10 *G.* 1. 4.
1 *G.* 2. 15.
5 *G.* 2. 6.
23 *G.* 2. 8.
29 *G.* 2. 8.
31 *G.* 2. 11.

WHEREAS ſeveral glebes in this kingdom lie at a great diſtance from the churches, to which they belong, and ſome in other pariſhes, whereby the reſidence of the incumbents on the ſaid glebes is become either impracticable or leſs uſeful than is fitting: for remedy whereof be it enacted by the Queen's moſt excellent Majeſty, and by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That it ſhall and may be lawful to and for the ſeveral rectors, vicars, and other perſons, having any cure of ſouls in this kingdom, by deed or deeds to exchange ſuch glebes, as lie at a diſtance from the pariſh-church, or any part of ſuch glebes, with any archbiſhop, biſhop, or other perſon, for lands of equal value, worth, and purchaſe, lying near and convenient to the ſaid church: provided the biſhop of the dioceſs, with his dean and chapter, under his and their common ſeals, and the patron of ſuch church, or his lawful attorney, where the patronage is in any other than the biſhop, under his hand and ſeal to ſuch deed or deeds of exchange, approve thereof; and where the patronage is in the crown, the chief governor or governors of the kingdom for the

Rectors, &c. may by deed exchange glebes, or part, at a diſtance for lands of equal value contiguous, with approbation of biſhop, or patron.

8 *G.* 1. 11. *biſhops*, &c. *may exchange.*

5 *G.* 2. 6. *though not ſo near the church.*

31 *G.* 2. 11. *at any diſtance.*

A. D. 1703. Chap. 10.

time being shall be and are hereby impowered to give consent to such deed or deeds of exchange in writing under his or their hands and seals.

Sheriff at request of bishop, &c. to call a jury to inquire of value and quantity of the lands and conveniency of exchange,

II. And to avoid all fraud, covin, or mistake in such exchange, be it enacted by the authority aforesaid, That before the sealing and perfecting such deeds of exchange, the sheriff of the county, where both or either of the lands to be exchanged as aforesaid shall be, at the request of the bishop, patron, and parties concerned, may call a jury of twelve good and indifferent free-holders, whereof notice shall be given at some preceding county-court, and likewise of the time and place where and when the said jury is to meet; and the said jury shall inquire of the true value and quantity of the lands and conveniency of the exchange of the said lands to be so exchanged, by the oaths of good knowing and substantial witnesses; and the said value and conveniency so found, together with the mears and bounds thereof, shall return to the bishop, where both or either of the said lands so to be exchanged are; who shall procure the said return and deeds of exchange to be recorded in the court of Exchequer in the first remembrancer's office, for which inquest the sheriff shall receive by way of fees ten Shillings; and the said remembrancer shall put the same on record, and for the recording the same, and the said deeds, shall receive six shillings and eight pence, and no more.

3 G. 2. 12. and return to bishop, said return and deeds of exchange recorded in Exchequer.

Sheriffs fees, 10s. Remembrancers, 6s. and 8d.

The lands exchanged enjoyed as glebe for ever.

III. And be it enacted, That the said lands so given in exchange for such glebes, or any part thereof so exchanged, shall be held and enjoyed by such rectors or vicars, and their successors for ever, as glebe, notwithstanding the same did formerly belong to any archbishop, bishop, tenant for life, or in tail, with the consent of the person immediately next in remainder; in all which cases such old glebe, or the part of the said glebe, so given in exchange, shall remain and be to such uses as the land given for the same was formerly limited.

The old glebe to such uses as the other land formerly limited.

Bishop, dignitary, or prebendary, having land of the see, &c. convenient for a glebe for a church not endowed with twenty acres, may with consent of dean and chapter grant not above twenty acres to rector, &c. at a moiety of the present rent or above,

IV. And be it further enacted, That it shall and may be lawful to and for every archbishop and bishop, dean, dignitary or prebendary, having land belonging to their bishopricks, deanry, dignity, or prebend, near any church, and convenient for a glebe for the said church, not already indowed with twenty acres of glebe, by and with the advice and consent of his respective dean and chapter, to grant any quantity thereof, not exceeding twenty acres plantation-measure, to the rector or vicar, or other ecclesiastical person having the actual cure of souls, and their successors, at the moiety of the present yearly rent *per annum*, or for any greater sum; which rent shall be paid by such rectors or vicars, and other ecclesiastical persons having the actual

cure

cure of ſouls, and their ſucceſſors, to the ſaid biſhop, dean, dignitary or prebendary, and their reſpective ſucceſſors for ever, by four equal portions (that is to ſay) at the feaſt of the annunciation of the bleſſed virgin Mary, the feaſt of St. John baptiſt, the feaſt of St. Michael the archangel, and of the nativity of our bleſſed Lord and Saviour; and in caſe of non-payment that it ſhall be lawful for the ſaid biſhop, dean, dignitary, or prebendary, his or their ſucceſſors, to diſtrain or ſue for the ſame, and all arrears thereof. A. D. 1703.

said rent payable by four portions.

Liberty to diſtrain or ſue.

V. And be it enacted, That the ſaid twenty acres, or leſſer quantity of land ſo granted as aforeſaid, ſhall be reputed and taken as the glebe of the pariſh, to whoſe incumbent and ſucceſſors it is granted: this act to be in force for one and twenty years, and no longer.

Said twenty acres taken as glebe.

This act to continue twenty one years.

Further by 10 *G.* 1. 4. & 5 *G.* 2. 6. & 23 *G.* 2 8. & by 29 *G.* 2. 8. *for twenty one years*, &c.

CHAP. XI.

An act for building ſeveral pariſh-churches in more convenient places.

WHEREAS the pariſh-church of the pariſh of Fanlobbus, in the dioceſs of Cork, is in a ruinous condition, and inconveniently ſituate, remote from the proteſtant inhabitants of the ſaid pariſh: be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That it ſhall and may be lawful to and for the biſhop of Cork, and the rector, vicar, or other incumbent of the ſaid pariſh for the time being, with the conſent of the major part of the proteſtant inhabitants thereof in writing under their hands and ſeals, to build a new church in ſuch more convenient place in the ſaid pariſh, as they ſhall think fit; the land for the church and church-yard being firſt conveyed by the proprietor of ſuch place to the churchwardens of the ſaid pariſh and their ſucceſſors for ever, who are hereby enabled to take and receive a grant of the ſame to them and their ſucceſſors, in truſt for and to the uſe of the ſaid pariſh; and that ſuch new church, when built and conſecrated, be reputed and remain the pariſh-church of the ſaid pariſh for ever. And that the pariſh-church of the pariſh of Kilmacomoge in the county of Cork, being alſo ruinous and inconveniently ſituate, may in like manner, and upon the ſame term, and with the like conſent as aforeſaid, be removed, and new built in ſome more convenient place in the ſaid pariſh; and that ſuch new church, when built and conſecrated as aforeſaid,

Church of Fanlobbus ruinous and inconveniently ſituated.

Biſhop of Cork and incumbent with conſent of major part of proteſtant inhabitants may build a new church more convenient.

Proprietor of the land firſt conveying to churchwardens.

Church of Kilmacomoge in ſame dioceſe to be alſo new built in more convenient place.

A. D. 1703. Chap. 11.

ſaid, ſhall for ever be reputed and remain the only pariſh-church of the ſaid pariſh of Kilmacomoge for ever.

Drumaul church in Antrim, dioceſe of Connor, to be alſo new built in Dunmore near Randalſtown.

II. And whereas the pariſh-church of Drumaul, lying in the dioceſs of Connor and county of Antrim, is now ruinous, and the ſituation of it very incommodious for the pariſhioners to reſort unto: and whereas the earl of Donegall, the patron of the ſaid church, and Edward lord biſhop of Down and Connor, the preſent biſhop of the ſaid dioceſs, the incumbent, and the pariſhioners of the ſaid pariſh, by an act of veſtry have choſen and preſented the corporate town of Randalſtown, lying within the ſaid pariſh, to be a more convenient ſituation for the ſaid pariſh-church: be it enacted by the authority aforeſaid, That the ſaid pariſh-church ſhall be built in ſome convenient part of that piece, parcel, or plot of ground in the town-land of Dunmore, near the ſaid town of Randalſtown within the ſaid pariſh, now and formerly uſed for a burying-place; and that the church, to be built on the ſaid plot of ground, ſo ſoon as it ſhall be finiſhed and conſecrated, ſhall be deemed and reputed the true and only pariſh-church of the ſaid pariſh of Drumaul, to all intents and purpoſes whatſoever.

Finvoy church in ſame dioceſe to be alſo new built on eſtate of Benjamin Gallant, firſt conveying the ground to church wardens.

III. And whereas the pariſh-church of Finvoy, within the ſaid dioceſs of Connor and county of Antrim, is alſo ruinous, and the old ſituation of it is very incommodious for the pariſhioners to reſort unto: and whereas the ſaid Edward lord biſhop of Down and Connor, who in right of his ſaid ſee of Connor is patron of the ſaid pariſh, and doctor Anthony Cope the preſent incumbent thereof, and alſo the pariſhioners of the ſaid pariſh, by an act of veſtry have choſen and repreſented another place upon the eſtate of Benjamin Galland eſquire within the ſaid pariſh, and have accordingly laid the foundation of a new church in the ſaid place; be it enacted, That the ſaid new church, when finiſhed and conſecrated, ſhall be deemed and reputed the true and only pariſh-church of the ſaid pariſh of Finvoy to all intents and purpoſes whatſoever: provided that the ground, whereon the ſaid church ſtandeth, ſhall, with a convenient church-yard, be firſt conveyed by Benjamin Galland eſquire, proprietor thereof, and his heirs, to the church-wardens of the ſaid pariſh and their ſucceſſors, in truſt and for the uſe of the ſaid pariſh, who are hereby enabled, notwithſtanding the act of mortmaine, to take the ſame.

non obſ. ſt. mortmain.

Kilead church in ſame dioceſe,

ſituation therof not now aſcertained,

IV. And whereas the pariſh of Kilead, in the ſaid dioceſs of Connor and county of Antrim, though very large and well inhabited, wants a pariſh-church, and that the ſituation of the old pariſh-church cannot be now aſcertained: and whereas the lord viſcount Maſſareen, the patron of the ſaid church, and the ſaid

ſaid Edward biſhop of Down and Connor, and the preſent incumbent and pariſhioners, by an act of veſtry have determined to build a church for the ſaid pariſh, and that a ſum of money is laid on and applotted by the ſame act of veſtry for building the ſaid church, but that the ground, on which the ſaid church ſhall be built, is not yet fixed and determined: and whereas application is now making for a convenient piece of ground near the centre of the ſaid pariſh: be it enacted, That when ſuch ground ſhall be obtained, and a church ſhall be built, finiſhed, and conſecrated upon it, that the ſaid church ſhall be deemed and reputed the true and only pariſh-church of Kilead, to all intents and purpoſes whatſoever: provided that the ground on which the ſaid church ſhall be built, ſhall, with a convenient church-yard, be firſt conveyed by the proprietor of ſuch ground to the church-wardens of the ſaid pariſh and their ſucceſſors, in truſt and for the uſe of the ſaid pariſh, who are hereby enabled, notwithſtanding the act of mortmaine, to take the ſame.

A. D. 1703. Chap. 11.

to be built when convenient ground obtained.

Proprietor firſt conveying to church-wardens:

non obſt. ſt. mortmain.

V. And whereas the three pariſhes of Kilcommon, Robeen, and Tokeen, in the dioceſs of Tuam, and in the collation of the archbiſhop of Tuam, in right of his ſee, are held in title with other livings by one incumbent, from which it is fit they ſhould be divided after his imcumbency, and are fit to be perpetually united in themſelves: and whereas the pariſh-churches of the ſaid three livings are all utterly ruined, and alſo inconveniently ſituate for the pariſhioners: and whereas the ſum of ſeventy pounds was aſſigned out of the impropriate tythes, lately forfeited in this kingdom, to build a church in the pariſh of Kilcommon, which ſum will not be ſufficient to do the ſame, the archbiſhop is willing to beſtow one hundred pounds more of his own, and to convey one plot of ground of his own inheritance for a church-yard, wherein the ſaid church may be erected and built, and alſo one other plot for a houſe, ſhead, and garden, where the miniſter may dwell, near the ſaid church, and in ſuch place as may be moſt convenient for the inhabitants of the ſaid three pariſhes to reſort unto for divine ſervice: be it therefore enacted by the authority aforeſaid, That the ſaid three pariſhes ſhall be and are hereby united and conſolidated for ever, by the name of the pariſh of Kilcommon, *alias* Hollymoath, and ſhall be deemed and held under one title as one pariſh intire in itſelf, and diſtinguiſhed from any other; and that it ſhall and may be lawful for the preſent archbiſhop and his heirs to convey without licence of mortmaine to the church-wardens of the ſaid pariſh, and their ſucceſſors for ever, ſuch plots of ground, as ſhall be neceſſary for

Kilcommon, Robeen, and Tokeen in dioceſe of Tuam ſhall be united,

70 l. aſſigned out of forfeited impropriate tithes for building a church, the archbiſhop willing to beſtow 100 l. more, and to convey land for ſaid purpoſe.

Said pariſhes conſolidated by name of Kilcommon or Hollymoath.

Biſhop may convey without licence of *mortmain.*

A. D. 1703. Chap. 11.

the uſes aforeſaid; provided that the church, to be built on a new foundation, ſhall be placed as near the centre of the ſaid united pariſhes as may be, and that the conſent of the major part of the proteſtant inhabitants of the ſaid pariſhes be firſt had thereunto under their hands and ſeals; which church, when built and conſecrated, ſhall be reputed the pariſh-church of the ſaid united pariſhes to all intents and purpoſes whatſoever. Saving to to the Queen's Majeſty, her heirs and ſucceſſors, and to the archbiſhop of Tuam, and his ſucceſſors, and to the preſent incumbent only during his incumbency, all ſuch right and intereſt as they or any of them had in the ſaid pariſhes before they were thus united.

Said church to be near the centre, conſent of major part of proteſtants.

Saving all right to the queen, biſhop, and incumbent.

VI. And whereas the pariſhes of Agliſh and Ilanedin, and the rectory of Drumrany, lying intermixt with the pariſhes of Breagwy and Turlogh in the dioceſs of the ſaid archbiſhop of Tuam, and in the collation of the ſaid archbiſhop in right of his ſaid ſee, are contiguous, and fit to be perpetually united; and whereas the inhabitants of the ſaid pariſhes have built and almoſt finiſhed a church upon a new foundation in the town of Caſtlebar and pariſh of Agliſh, near the centre of the aforeſaid pariſhes, all the old churches of the ſaid pariſhes being utterly ruined and inconveniently ſituated for the proteſtant inhabitants of the ſaid pariſhes: be it therefore enacted by the authority aforeſaid, That the ſaid pariſhes ſhall be and are hereby for ever united, and made one entire pariſh, by the name of the pariſh of Agliſh *alias* Caſtlebar; and that when the ground, whereon the ſaid church ſtandeth, with a convenient church-yard, ſhall be conveyed by Sir Henry Bingham baronet, proprietor thereof, or his heirs, to the church-wardens of the ſaid pariſh, and their ſucceſſors, who are hereby enabled, notwithſtanding the ſtatute of mortmain, to take the ſame, the ſaid church being duly finiſhed and conſecrated, ſhall thenceforth be deemed and reputed the only pariſh-church of the ſaid united pariſhes to all intents and purpoſes whatſoever: ſaving to the Queen's moſt excellent Majeſty, her heirs and ſucceſſors, and to the archbiſhop of Tuam and his ſucceſſors, and to the preſent incumbents during their incumbency, all ſuch right, title, and intereſt, as they or any of them had before the paſſing of this act; any thing herein contained to the contrary notwithſtanding.

Agliſh, Ilanedin, and Drumrany, intermixed with Breaghwy and Turlogh, in Tuam, ſhall be united, by name of Agliſh or Caſtlebar.

The ground for the new church to be conveyed by Sir Henry Bingham.

Saving as before.

VII. And whereas the aforeſaid Edward lord biſhop of Down and Connor, and Sir Hans Hamilton baronet, patron, and Robert Hamilton and Hans Montgomery vicars of the pariſhes of Ballywater, Ballyhabbert and Iniſhargy in the dioceſs of Down, have conſented to the perpetual union of the ſaid pariſhes from and after the death of either of the ſaid incumbents, and that the

Ballywater, Ballyhabbert and Iniſhargy, in Down, to be united,

the ſurvivor ſhall have the ſaid three pariſhes; and that one pariſh-church ſhall be erected in one of the town-lands of the pariſh of Iniſhargy, which is conveniently ſituate near the centre of the ſaid three pariſhes: be it therefore enacted by the authority aforeſaid, That the ſaid three pariſhes ſhall be for ever united from and after the death of either of the ſaid incumbents, and that the ſurvivor of the ſaid incumbents ſhall have the vicarage of the ſaid three pariſhes during his life; and after his death the ſaid Sir Hans Hamilton, his heirs or aſſigns, the undoubted patrons of the ſaid three pariſhes, ſhall have and continue his and their right of preſentation to the ſaid union, as if the ſaid pariſhes had continued diſtinct as heretofore; and that a church ſhall be built and erected in one of the town-lands of the pariſh of Iniſhargy in ſuch place, as ſhall be appointed by the biſhop of the ſaid dioceſs, with the conſent of the owner of the land; the ſame, with a convenient church-yard, being firſt conveyed to the church-wardens of the ſaid united pariſhes and their ſucceſſors for ever, at the expence of the ſaid united pariſhes, to be aſſeſſed and apportioned by the veſtry, in the ſame manner as the church of each pariſh, if diſtinct, ought to have been built and repaired, if this act had never been made; and the ſaid church, when built and conſecrated, ſhall for ever remain and be deemed and reputed the true and only pariſh-church of the ſaid three pariſhes to all intents and purpoſes whatſoever.

to ſurviving incumbent.

Sir Hans Hamilton patron, to continue preſentation to ſaid union.

A church to be built in Iniſhargy,

the ground conveyed by the owner at expence of the union.

VIII. And whereas the inhabitants of Rings-End near Dublin, being numerous, are at a diſtance from Donebrook their pariſh-church, which is ſo inconveniently ſituated that the ſaid inhabitants often cannot come to attend divine ſervice in the ſaid church, by reaſon of floods and overflowing of the high-way by tides and waters; many of the Queen's officers belonging to the port of Dublin, many ſtrangers and ſeamen do frequent the ſaid Rings-End, and are detained there on the Lord's day, all which are deprived of the ſervice of God for want of a church or chappel for publick worſhip near the ſaid Rings-End: and whereas the archbiſhop of Dublin, in whoſe dioceſs the ſaid Rings-End lies, as alſo doctor Enoch Reader archdeacon of Dublin, preſent incumbent of the pariſh of Donebrook, wherein the ſaid Rings-End is, are humble ſuiters to her moſt excellent Majeſty, that a church or chappel may be erected in ſome convenient place at Rings-End aforeſaid: and whereas the land near and convenient for the erecting ſuch a church or chappel, belongs to Thomas lord viſcount Merion, who is willing to grant and convey a ſufficient parcel of land to the uſe aforeſaid: be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid right honourable Thomas lord viſcount

New church to be built at Ring's-End near Dublin, on ground conveyed by lord Merion, not exceeding two acres, notwithſtanding any ſettlement thereof.

A. D. 1703.

viſcount Merion to ſet out and convey to the lord archbiſhop of Dublin, and his ſucceſſors, for a place for the erecting a church or chappel, and for a church-yard and other conveniencies for the ſaid church or chappel for the uſe of the ſaid inhabitants of Rings-End, any quantity of land not exceeding two acres plantation meaſure, notwithſtanding any ſettlement of the ſaid two acres; and that it may and ſhall be lawful for the ſaid archbiſhop and his ſucceſſors to apply one hundred pounds out of the forfeited tythes, appointed for the building the ruined churches of Ireland, to the building the ſaid church or chappel.

Archbiſhop of Dublin to apply thereto 100l. out of forfeited tithes.

IX. And be it further enacted by the authority aforeſaid, That this act ſhall be taken and eſteemed a publick and general act by all judges in all courts in this kingdom.

This a publick and general act.

X. And whereas the pariſh church of the pariſh of Arklow in the dioceſs of Dublin is ruinous and inconveniently ſeated: and whereas Sir Lawrence Eſmond and Benjamin Mountney eſq; have conveyed the ſcite of the abby of Arcklow for the place of a pariſh church, being convenient for the ſame purpoſe: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the archbiſhop of Dublin, with the conſent of the preſent incumbent, and of the veſtry of the ſaid pariſh, to conſtitute and erect the ſaid abby into a pariſh church; and that after the erection of the ſaid abby into a pariſh church, the pariſhioners of the ſaid pariſh ſhall be obliged to repair the ſame from time to time, and no other church.

Archbiſhop of Dublin, with conſent of incumbent and veſtry, may erect the abbey of Arcklow, conveyed by Sir Lawrence Eſmond and Benj. Mountney, into a pariſh church, the pariſh to repair the ſame and no other.

CHAP. XII.

An Act for the reviving an act for taking away the benefit of clergy in ſome caſes; and for tranſporting felons.

This act repealed except as to tranſportation of convicts for harbouring proclaimed robbers, by 9 *Anne* 6.

WHEREAS by one act of Parliament made in this kingdom in the ninth year of the reign of our late ſovereign lord King William the third of glorious memory, intituled, *An act for taking away the benefit of clergy in ſome caſes*; it was amongſt other things enacted, "That if any perſon or perſons ſhall felonioufly ſteal or take away any cow or cows, ſheep or other cattle, and be thereof convict by verdict or confeſſion, or ſhall ſtand mute, and will not directly anſwer to the felony, or ſhall challenge peremptorily above the number of twenty perſons, or ſhall be outlawed thereupon, if ſuch offence ſhall exceed the crime of petty larceny, or the cattle ſtolen be of greater value than twelve pence *ſterling*, ſuch perſon or perſons ſhall not be allowed the benefit of his or their clergy, but be wholly ouſted for the ſame;" which act is now expired, but by experience was found to be a good and profitable law for this kingdom, and fit to be revived and made perpetual:

9 *Wil.* 3. 7. ouſting clergy for ſtealing cattle above 12 *d.* value, revived and made perpetual.

A. D. 1703. Chap. 12.

be it therefore enacted by the Queen's moſt excellent Majeſty, and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act be and is hereby revived, and ſhall, from and after the tenth day of February one thouſand ſeven hundred and three, be, remain, and continue in full force for ever.

9 *Anne* 6. Perſon convicted of ſtealing cows, &c. (not above 2) or ſheep, (not above 10) or felony not above 20 s. or harbouring or concealing, &c. tory or robber proclaimed,

II. And be it further enacted by the authority aforeſaid, That where any perſon or perſons after the firſt day of March, in this preſent year of our Lord one thouſand ſeven hundred and three, ſhall be lawfully convict of the ſtealing of any cows, bullocks, or ſteers, not exceeding the number of two, or of any ſheep not exceeding the number of ten; or of other goods not of greater value than twenty ſhillings, or of any other felony not above the value of twenty ſhillings, to be valued by the jury that tries ſuch felon, and the value to be returned as part of their verdict, where the benefit of clergy by law was heretofore allowed; or perſons convict of and condemned for concealing, ſuccouring, abetting, or harbouring any tory, robber, or rapparee, preſented and proclaimed; that in caſe the judge or judges of aſſize, before whom ſuch perſon or perſons is or ſhall be convict, together with the grand jury of the county at the ſaid aſſizes, ſhall think him or them fit objects of her Majeſty's mercy; that then and in ſuch caſe the ſaid judge or judges of aſſize ſhall and may, after having pronounced the ſentence of the law on ſuch felons convict as aforeſaid, reſpit the execution of the ſaid ſentence, and ſhall remand the ſaid convict felon or felons to the common goal of the ſaid county, there to remain without bail or mainprize: and in caſe any merchant, or other perſon dealing or trading to any of her Majeſty's plantations beyond the ſea, ſhall at any time after the ſaid conviction make application to the judge or judges of aſſize, before whom ſuch felon or felons was or were convict, to have ſuch felon or felons delivered to him to be tranſported to any of her Majeſty's plantations beyond the ſeas; that it ſhall and may be lawful to and for the ſaid judges of aſſize, before whom ſuch conviction was, and they and every of them are hereby impowered, authorized, and required to grant and direct their warrant to the ſheriff of the county, in whoſe cuſtody ſuch convict felon or felons do remain, to deliver ſuch convict felon or felons to ſuch merchant or other perſon deſiring the ſame; which warrant the ſaid judge or judges are hereby reſpectively required to grant without fee or reward, provided the ſaid merchant or perſon deſiring the ſame be a ſolvent perſon, and ſhall enter in one bond or recognizance of the penalty of twenty pounds *ſterling*, before the ſaid judge or judges granting the ſaid warrant, that immediately on the receipt of the ſaid warrant he

if the judge with grand-jury think him object of mercy, he may reſpite execution, and remand,

and direct a warrant to ſheriff to deliver him to any merchant applying, if ſolvent, upon giving bond of 20 l. immediately to put him on board and tranſport to the plantations, and in 18 months return a certificate of his landing from chief magiſtrate.

A D. 1703. Chap. 12.

will receive and take ſuch convict felon or felons from the ſheriff or goaler, in whoſe cuſtody he, ſhe, or they then is, and convey him, her, or them on board ſome veſſel or ſhip, then bound immediately for ſome part of her Majeſty's plantations beyond the ſeas, and tranſport and land him, her, or them in ſome part of the ſaid plantations, except prevented by the parties death, caſualties of the ſeas, or being taken by an enemy; and he return a certificate thereof from the governor or chief magiſtrate of the place, where ſuch perſon is ſo landed, within eighteen months after the date of the ſaid bond or recognizance; which ſaid bond or recognizance ſhall be delivered to the clerks of the peace of the county, from whence ſuch priſoner was taken within three months after the date thereof, to the end the grand jury at the Quarter-ſeſſions may inquire whether ſuch priſoner or priſoners was or were tranſported according to the tenor of the ſaid bond or recognizance; and if it be found they were not, then the ſaid bond or recognizance to be immediately returned into her Majeſty's court of Exchequer, to be put in ſuit againſt the party bound therein, for which bond the ſaid merchant, or other perſon as aforeſaid, ſhall pay twelve pence and no more; and upon return of a certificate from the governor or chief magiſtrate of ſuch perſon or perſons being landed as aforeſaid beyond ſeas, the ſaid bond or recognizance, ſo entred into as aforeſaid, ſhall be delivered up to be cancelled to the party producing ſuch certificate, without any fee or reward: and the ſheriff or goaler, in whoſe cuſtody ſuch convict felon or felons do remain, are hereby reſpectively required and authorized, on receipt of ſuch warrant from the judge or judges of aſſize as aforeſaid, to deliver all and every ſuch convict felon or felons in their cuſtody, and mentioned in the ſaid warrant, to the merchant, or other perſon or perſons, according as the ſaid warrant directs, without fee or reward, or being detained on any other pretence whatſoever; and his or their receipt on the back of ſuch warrant ſhall be a full and ſufficient diſcharge to the ſaid ſheriff or goaler for the ſaid priſoner or priſoners mentioned in the ſaid warrant.

ſaid bond to be delivered to clerk of peace: 17 G. 2. 4.

and if found at ſeſſ. that priſoner was not tranſported, to be returned into Exchequer, and put in ſuit, 12 d. paid for ſaid bond.

Said bond to be delivered to party producing ſuch certificate.

Sheriff to deliver ſuch convict upon the judge's warrant, which a ſufficient diſcharge to ſheriff.

III. And be it further enacted by the authority aforeſaid, That in caſe any ſuch priſoner or priſoners, delivered into the hands of any merchant or other perſon for tranſportation by virtue of any warrant as aforeſaid, ſhall make his, her, or their eſcape from the ſaid merchant or other perſon, to whom he or ſhe is delivered as aforeſaid, either before or after his, her, or their being put on ſhipboard in order to his, her, or their tranſportation as aforeſaid; or having been tranſported ſhall return again into this kingdom; that then and in ſuch caſe the ſaid perſon or perſons ſo making his, her, or their eſcape, or returning again into this kingdom, wherever he, ſhe, or they are or ſhall be found in this kingdom,

Such priſoner eſcaping or returning from tranſportation may be apprehended, and committed by next juſtice of peace till aſſizes, 6 G. 1. 12. 8 G. 1. 9. 12 G. 1. 8. 3 G. 2. 4. 17 G. 2. 4.

kingdom, ſhall and may be apprehended by any perſon or perſons whatſoever, that do know him, her, or them to be ſuch perſon or perſons, that have made eſcape or returned as aforeſaid, or by warrant from any juſtice of the peace in any county of this kingdom, where ſuch perſon or perſons having made his, her, or their eſcape, or returned as aforeſaid, ſhall or may be found; and, being apprehended, ſhall immediately be brought before the next juſtice of the peace, who is hereby authorized and required to commit ſuch perſon or perſons to the common goal of the ſaid county, there to remain without bail or mainprize till the next general aſſizes or ſeſſions of oyer and terminer and goal delivery; and on produce of a certificate or copy of the record under the hand of the clerk of the crown, where ſuch perſon was convicted as aforeſaid (which record of attainder the reſpective clerks of the crown of the ſeveral counties, and clerks of the peace of the city and county of Dublin, are forthwith hereby required to make up) and an atteſted copy of the judges warrant to the ſheriff of the county for delivering him, her, or them to be tranſported, and of the receipt of the merchant or other perſon, to whom ſuch perſon or perſons was or were delivered to be tranſported, that then and in ſuch caſe the ſaid judge or judges of aſſize, or commiſſioners of oyer and terminer and goal delivery, before whom ſuch perſon or perſons ſhall be brought, ſuch perſon or perſons appearing by his or their confeſſion in open court, or by verdict of a jury, to be the perſon or perſons ſo convicted, and eſcaped, or returned as aforeſaid, ſhall cauſe the ſaid perſon or perſons to be forthwith executed according to the ſentence pronounced againſt him, her, or them at the time of his, her, or their conviction as aforeſaid. And in caſe ſuch certificate, or copy of the record of conviction, and atteſted copy of the judge's warrant to the ſheriff, and the receipt thereupon, cannot be produced by the next aſſizes after the apprehending of ſuch perſon or perſons making eſcape or returning as aforeſaid; that then and in ſuch caſe ſuch perſon or perſons ſhall be continued in the goal of the ſaid county without bail or mainprize until the following aſſizes or ſeſſions of oyer and terminer and goal delivery to be held for the ſaid county: and if ſuch certificate, or copy of record of conviction, and atteſted copy of the judge's warrant to the ſheriff, and copy of receipt thereupon, be then obtained and produced, warrant for execution ſhall in open court be awarded in manner aforeſaid; or in default thereof ſuch perſon or perſons ſo accuſed of making his eſcape, or returning as aforeſaid, ſhall be acquit and diſcharged without fee or reward.

and on producing certificate or copy of the record, atteſted copy of the warrant; and of merchant's receit, appearing to be the perſon by confeſſion or verdict, he ſhall be executed according to former ſentence;

if ſuch evidence can't be produced at next aſſizes, he ſhall be continued till the following,

if then produced, executed: if not, diſcharged.

IV. Provided always, and be it further enacted, That if any perſon or perſons, convict and condemned for any of the offences and felonies aforeſaid, ſhall not procure ſome merchant or other perſon

Convict not procuring a perſon to enter into ſaid

A. D. 1703.

bond for tranſportation, &c. in 9 months, to be executed next aſſizes.

perſon to enter into ſuch bond or recognizance for his, her, or their tranſportation as aforeſaid, and to take and receive him, her, or them out of the cuſtody of the ſheriff and goaler, in whoſe cuſtody they ſhall remain, within the ſpace of nine months after ſuch conviction and condemnation; that then and in ſuch caſe the next going judge or judges of aſſize, at the next aſſizes after the expiration of the ſaid nine months, ſhall and may, and they and every of them are hereby authorized and required to, iſſue a warrant to the ſheriff of the county for execution of all and every ſuch condemned felon or felons, according to their former ſentence, that ſo the goals of the kingdom may be delivered.

CHAP. XIII.

An Act for continuing two acts againſt tories, robbers, and rapparees.

7 *Wil* 3. 21. & 9 *Wil.* 3. 9. continued 7 years, &c. *further continued by ſeveral ſtatutes, and ſo far as not altered by* 6 G. 1. 12. *further continued for* 21 *years, &c. by* 29 G. 2. 8.

WHEREAS in a Parliament held in the ſeventh year of the reign of his late Majeſty King William of glorious memory, an act was made intituled, *An act for the better ſuppreſſing tories, robbers, and rapparees, and for preventing robberies, burglaries, and other heinous crimes*; to ſupply the defects of which, another act was made in the ninth year of the reign of his ſaid late Majeſty, intituled, *An act to ſupply the defects, and for the better execution of an act paſſed this preſent ſeſſion of Parliament*, intituled, [*An act for the better ſuppreſſing tories, and rapparees, and and for preventing robberies, burglaries, and other heinous crimes,*] both which acts by experience are found to be good and profitable laws for this kingdom, and fit to be further continued: be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid acts be and are hereby continued, and ſhall remain and continue in force and effect for ſeven years from the end of this preſent parliament and to the end of the next ſeſſion of Parliament after the expiration of the ſaid ſeven years, and no longer.

CHAP. XIV.

An Act for naturalizing of all Proteſtant ſtrangers in this kingdom.

14 and 15 *C.* 2. 13. revived and continued (except as hereby altered) 5 years from 25 March 1704.

WHEREAS in the Parliament held at Dublin the eighth day of May, in the thirteenth year of the reign of our late ſovereign Lord King Charles the ſecond, and by divers prorogations held and continued to the ſeventeenth day of April, in the fourteenth year of his ſaid Majeſties reign, a certain act of Parliament was made and paſſed, intituled, *An Act for encouraging Proteſtant*

Proteſtant ſtrangers and others to inhabit and plant in the kingdom of Ireland; which ſaid act, as to the naturalizing the ſtrangers thereby intended to be naturalized, had continuance only for the term of ſeven years from the end of the ſaid Parliament: and whereas the ſaid act has been found to be beneficial to this kingdom; be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That the ſaid act, and all and every clauſe, article, and proviſoe therein contained, ſo far forth as the ſame concerns or relates to the incouraging of Proteſtant ſtrangers, is hereby revived, and ſhall be in full force to all intents and purpoſes, ſaving ſuch alterations as herein after is mentioned and expreſſed, for and during the term of five years from the twenty fifth day of March, which ſhall be in the year of our lord God one thouſand ſeven hundred and four, and ſhall continue to the end of the next ſeſſions of Parliament which ſhall be held in this kingdom after the determination of the ſaid five years.

A. D. 1703. Chap. 14.

made perpetual by 4 *G.* 1. 9. *except the exemption from exciſe.*

1 *W.* & *M.* 2.

II. Provided always, That no perſon or perſons ſhall have the benefit of the ſaid act until he, ſhe, or they ſhall, inſtead of the oaths of allegiance and ſupremacy mentioned in the ſaid act, take the ſeveral oaths mentioned and appointed to be taken in Ireland, by an act of Parliament made in England in the third year of the reign of the late King William and Queen Mary, intituled, *An act for the abrogating the oath of ſupremacy in Ireland, and appointing other oaths*; being in the ſame form herein after mentioned, *(viz.)*

None to have benefit thereof till they take the oaths 3 *W.* & *M.* 2. *Eng.* 4 *G.* 1. 9.

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful and bear true allegiance to her Majeſty Queen Anne. So help me God.*

I A. B. *do ſwear, that I do from my heart, abhor, deteſt, and abjure, as impious and heretical, that damnable doctrine and poſition, that princes excommunicated, or deprived by the Pope, or any authority of the ſee of Rome, may be depoſed or murdered by their ſubjects, or any other whatſoever. And I do declare that no foreign prince, perſon, prelate, ſtate, or potentate, hath or ought to have any juriſdiction, power, ſuperiority, preheminence, or authority eccleſiaſtical or ſpiritual, within this realm. So help me God.*

And ſhall alſo make and ſubſcribe the declaration following, (*viz.*)

I A. B. *do ſolemnly and ſincerely, in the preſence of God, profeſs, teſtify, and declare, That I do believe that in the ſacrament of the Lord's-Supper there is not any tranſubſtantiation of the elements of bread and wine into the body and blood of Chriſt, at or after the conſecration thereof, by any perſon whatſoever; and that the invocation and adoration of the Virgin Mary, or any other ſaint, and the ſacrifice of the maſs, as they are now uſed in the church of Rome,*

A. D. 1703. Chap. 14.

are ſuperſtitious and idolatrous. And I do ſolemnly (in the preſence of God) profeſs, teſtify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary ſenſe of the words read unto me, as they are commonly underſtood by Proteſtants, without any evaſion, equivocation, or mental reſervation whatſoever, and without any diſpenſation already granted me for this purpoſe by the Pope, or any other authority or perſon whatſoever, and without any hope of diſpenſation from any perſon or authority whatſoever, or without believing that I am or can be acquitted before God or man, or abſolved of this declaration, or any part thereof, altho' the Pope, or any other perſon or perſons, or power whatſoever, ſhould diſpenſe with or annul the ſame, or declare that it was null and void from the beginning.

And ſhall alſo take the oath following.

I A. B. *do truly and ſincerely acknowledge, profeſs, teſtify, and declare in my conſcience, before God and the world, That our Sovereign Lady Queen Anne is lawful and rightful Queen of this realm, and of all other her Majeſty's dominions and countries thereunto belonging. And I do ſolemnly and ſincerely declare, that I do believe in my conſcience, that the perſon pretended to be prince of Wales during the life of the late King James, and ſince his deceaſe pretending to be, and taking upon himſelf the ſtyle and title of, King of England, by the name of James the third, hath not any right or title whatſoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuſe, and abjure any allegiance or obedience to him. And I do ſwear, that I will bear faith and true allegiance to her Majeſty Queen Anne; and her will defend, to the utmoſt of my power, againſt all traiterous conſpiracies and attempts whatſoever, which ſhall be made againſt her perſon, crown, or dignity. And I will do my beſt endeavour to diſcloſe and make known to her Majeſty, and her ſucceſſors, all treaſons and traiterous conſpiracies, which I ſhall know to be againſt her, or any of them. And I do faithfully promiſe to the utmoſt of my power to ſupport, maintain, and defend the limitation and ſucceſſion of the crown, againſt him the ſaid James, and all other perſons whatſoever, as the ſame is and ſtands limited by an act, intituled,* An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown to her preſent Majeſty, and the heirs of her body, being Proteſtants: *and as the ſame by an other act, intituled,* An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject, *is and ſtands limited, after the deceaſe of her Majeſty, and for default of iſſue of her Majeſty, to the princeſs Sophia, electoreſs and dutcheſs dowager of Hanover, and the heirs of her body, being proteſtants. And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to theſe expreſs words by me ſpoken,*

ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, mental evaſion, or ſecret reſervation whatſoever. And I do make this recognition, acknowledgement, abjuration, renunciation, and promiſe, heartily, willingly, and truly, upon the true faith of a Chriſtian. So help me God.

A. D. 1703. Chap. 15.

III. Provided always that no perſon or perſons, alien, ſtranger, or foreigner, who by virtue of this or the aforeſaid act ſhall be naturalized, or made free of any corporation, ſhall have any power to ſerve as member or members in the preſent or any future Parliament in this kingdom, or to vote in the election of any member to ſerve in this preſent Parliament or any future Parliament in this kingdom, nor to ſerve as a magiſtrate in any city, borough, or town corporate in this kingdom, or to vote in the election or choice of any magiſtrate or officer in any city, borough, or town corporate, where he or they ſhall be made free.

Not to ſerve as member of Parliament or magiſtrate, or vote at elections.

IV. Provided always, That ſuch freedom in any city, borough, or town corporate, ſhall not be of any uſe to any ſuch alien, ſtranger, or foreigner, nor continue longer than while he, ſhe, or they ſhall dwell or reſide in ſuch city, borough, or town corporate; any thing in the ſaid act or this preſent act to the contrary notwithſtanding.

No freedom longer than reſidence. 4 G. 1. 9.

V. And for the greater encouragement of Proteſtant ſtrangers to come and reſide in this kingdom, be it enacted by the authority aforeſaid, That all ſuch ſtrangers, who ſhall come and ſettle in any corporation in this kingdom, ſhall be freed from all manner of corporation-taxes, and from being obliged to undergo any corporation-offices, that ſhall bring an expence along with them, for the term of ſeven years after their coming into this kingdom.

Freed from corporation taxes and offices for 7 years. 4 G. 1. 9.

CHAP. XV.

An Act to prohibit butchers from being graziers, and to redreſs ſeveral abuſes in buying and ſelling of cattle; and in the ſlaughtering and packing of beef, tallow, and hides.

WHEREAS great inconveniencies happen to this kingdom by butchers following the trade or occupation of graziers, and by their engroſſing cattle into their hands to ſell again to other butchers, and by buying of cattle in fairs, markets, and ſelling them again in the ſame fair and market; for remedy whereof for the future be it enacted by the Queen's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons whatſoever from and after the firſt day of May, which ſhall be in the year of our Lord God one thouſand ſeven hundred and four, being a butcher, or uſing or exerciſing the craft or myſtery of a butcher, within

31 G. 2. 8.

No butcher ſhall be a grazier, or keep in his poſſeſſion or in truſt for him above twenty acres for cattle.

A. D. 1703. Chap. 15.

within this kingdom, ſhall at the ſame time uſe, follow, or exerciſe the trade or occupation of a grazier, or ſhall hold or keep any land in his or their poſſeſſion, or in the poſſeſſion of any other to his uſe, or in truſt for him, for the grazing, fatting, or keeping of any manner of oxen, ſteers, ronts, cows, heifers, calves, ſheep, or lambs, above the quantity of twenty acres, on pain that as well the butcher and butchers, and ſuch perſon or perſons, ſo poſſeſſed as aforeſaid, ſhall ſeverally forfeit, for every month that he or they ſhall offend therein, the ſum of twenty pounds *ſterling*; the one moiety of which forfeiture to be to the Queens Majeſty, her heirs and ſucceſſors, the other moiety to him or them that will ſue for the ſame in any of her Majeſty's courts of record in Dublin by action of Debt, bill, plaint, or information; in which no eſſoign, protection, or wager of law ſhall be allowed, or more than one imparlance.

Penalty 20 l. every month to the Queen and proſecutor.

22 & 23. *C.* 2. 19. *Eng.*
5 *Anne* 34. *Eng.*
No butcher in Dublin, or five miles, ſhall ſell fat oxen, *&c.* to any other burcher.
15 *G.* 2. 9. *explained and amended.*
Penalty, double value.
31 *G.* 2. 8.

II. And it is hereby further enacted and provided, That no perſon or perſons, uſing or exerciſing the trade, craft, or myſtery of a butcher within the city of Dublin, or within five miles thereof, ſhall from and after the firſt day of May next enſuing ſell any fat oxen, ſteers, cows, ſheep, calves, or lambs, either alive or dead, to any other perſon or perſons uſing or exerciſing the ſame trade or myſtery of a butcher, on pain of forfeiting double the value of all ſuch oxen, ſteers, cows, ſheep, calves, or lambs, ſo ſold by him or them to any other butcher contrary to the true intent and meaning of this ſtatute; the one moiety of which forfeiture to be to the Queen's Majeſty, her heirs and ſucceſſors, the other moiety to him that will ſue for the ſame.

Nor keep at hay or feed oxen, *&c.* above ten days, penalty, forfeiture thereof.

III. And it is hereby further enacted and provided, That no perſon or perſons, uſing or exerciſing the trade of a butcher, ſhall from and after the firſt day of May in the year of our Lord God one thuſand ſeven hundred and four keep at hay, or ſhall feed, any oxen, ſteers, cows, or heifers above the ſpace of ten days, on pain of forfeiting all ſuch oxen, ſteers, cows, or heifers, ſo kept at hay, or ſhall feed, contrary to the true intent and meaning of this ſtatute.

Nor expoſe any alive to ſale in twenty miles of the place where bought,

penalty, the full value.

IV. And be it further enacted by the authority aforeſaid, That no perſon or perſons, uſing or exerciſing the trade of a butcher, ſhall from and after the firſt day of May next enſuing ſell, offer or expoſe to ſale, in any market or elſewhere, either by himſelf or any ſervant or agent whatſoever, any oxen, cows, ſteers, heifers, calves, ſheep, or lambs alive to any butcher or other perſon whatever within twenty miles of the place, where he or they ſhall buy the ſaid fat oxen, ſteers, cows, heifers, calves, ſheep, or lambs, on pain of forfeiting the full value of all ſuch oxen, ſteers, cows, heifers, calves, ſheep, or lambs, ſo ſold, offered or expoſed to ſale, contrary to the true intent and meaning of this ſtatute; the one moiety of which forfeiture to be to the Queen's Majeſty, her

heirs

heirs and ſucceſſors; the other moiety to him or them who will ſue for the ſame as aforeſaid. A. D. 1703. Chap. 15.

V. And it is hereby further enacted by the authority aforeſaid, That no perſon or perſons whatſoever, who ſhall buy any manner of cattle or ſheep whatſoever, in any market or fair in this kingdom, ſhall or may ſell or expoſe the ſame cattle or ſheep to ſale again in the ſame market or fair on the ſame day, on pain of forfeiting the full value of all ſuch cattle or ſheep, ſo ſold or expoſed to ſale contrary to the true intent and meaning of this ſtatute; the one moiety of which forfeiture to be to the Queens Majeſty, her heirs and ſucceſſors; the other moiety to him or them who will ſue for the ſame as aforeſaid.

No cattle or ſheep bought in market or fair ſhall be ſold or expoſed to ſale in the ſame on ſame day, penalty, full value.

VI. And be it further enacted by the authority aforeſaid, That if any butcher, or other perſon or perſons whatſoever, in any market, or fair, or elſewhere in this kingdom, do give or ſtrike earneſt for any beaſt or beaſts, or parcel of cattle or ſheep, if the perſon, that offers to ſale the ſaid cattle, do not after the ſtriking and receiving the ſaid earneſt declare that it is a bargain, and that he is content to receive and keep the ſaid earneſt, that it ſhall and may be lawful for every ſuch perſon to ſell the ſame cattle, beaſt, or ſheep, to any other perſon whatſoever, that ſhall afterwards bargain with him and buy the ſame, notwithſtanding ſuch earneſt remaining in his hands; and that no maſter or wardens of any corporation or fraternity of butchers in this kingdom ſhall by virtue of any by-law, or pretended by-law, of their corporation or fraternity puniſh or fine any freeman or other perſon for buying or ſelling any ſuch beaſt, cattle, or ſheep, where earneſt was laid down, and was declared to be agreed to and accepted as earneſt as aforeſaid; and that no other magiſtrate or juſtice of the peace whatſoever ſhall order or adjudge the ſeller of any ſuch cattle to ſtand to or perform any bargain, to which he did not declare ſuch his aſſent after earneſt ſtruck or laid in his hands as aforeſaid, on pain to forfeit five pounds *ſterl.* for every ſuch his offence; the one half of this penalty to be to her Majeſty, her heirs and ſucceſſors, the other half to him or them that ſhall ſue for the ſame as aforeſaid.

If he that offers cattle to ſale, after receiving earneſt does not declare it a bargain, &c. he may ſell the ſame to any other. no corporation of butchers ſhall by any by-law puniſh any one for buying or ſelling cattle where earneſt laid down, &c. No magiſtrate ſhall adjudge the ſeller to perform a bargain to which he declared not ſuch aſſent after earneſt, penalty 5 l.

VII. Be it further enacted by the authority aforeſaid, That no merchant or merchants, nor any other perſon or perſons whatſoever, ſhall from and after the twenty fifth day of March, in the year of our Lord one thouſand ſeven hundred and four, kill or ſlaughter any oxen, cows, ſteers, or heifers to be ſalted, packed or barrelled for and by way of merchandize, to be tranſported beyond the ſeas, under the age of five years, on pain of forfeiting of the ſame, or the value thereof; the one moiety of which forfeiture to be to her Majeſty, her heirs and ſucceſſors, the other moiety to him that will ſue for the ſame as aforeſaid.

None to kill oxen, &c. to be ſalted or packed to be tranſported, under age of five years, penalty, forfeiture thereof or the value.

A. D. 1703. Chap. 15.

VIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever from and after the twenty fifth day of March aforeſaid ſhall ſhip or convey, or cauſe or procure to be ſhipped or conveyed, in or to any ſhip, boat, or veſſel, in or upon the ſea, or in or upon any haven, river, creek, or place within this kingdom, any manner of beef ſalted, packed, or barrelled, that at the time of killing or ſlaughtering thereof was not of the age of five years, knowing the ſame to be under that age at the time of the killing thereof, to the intent to tranſport or carry the ſame into any the parts beyond the ſeas, there to be uttered, bartered, or ſold by way of merchandize or otherwiſe; every ſuch perſon or perſons ſhall forfeit every ſuch barrel of beef ſo laden, ſhipped, or tranſported contrary to the tenor and true meaning of this act, or the value thereof; the ſaid forfeiture to be recovered in manner and form aforeſaid.

Such beef laden or ſhipped, by perſons knowing the ſame to be killed under five years old, forfeited.

Further penalty 2 *G.* 1. 16.

IX. And whereas the falſe packing of beef for exportation is very prejudicial to the trade of this kingdom: be it therefore enacted by the authority aforeſaid, That every barrel of beef, that from and after the twenty fifth of March in the year of our Lord one thouſand ſeven hundred and four, which ſhall be ſalted and packed up by any perſon or perſons whatſoever by way of merchandize, to be tranſported beyond the ſeas, ſhall contain at the leaſt two hundred weight of neat beef, at one hundred and twelve pounds to the hundred, upon pain of forfeiture of every barrel of beef, that ſhall be found packed up and ready for exportation, that doth not contain two hundred weight of neat beef, at one hundred and twelve pounds to the hundred as aforeſaid, in whoſe hand ſoever the ſame is found, whether in the hands of the perſons, that ſalted and made up ſaid beef, or in the hands of the merchant, or any other perſon, that ſhould or might export the ſame: the ſaid forfeiture to be recovered as aforeſaid.

Every barrel of beef ſalted to be tranſported ſhall contain at leaſt 200 weight neat, at 112 lb. to the hundred,

or forfeited in whoſe hands ſoever.

X. And be it further enacted by the authority aforeſaid, That no butcher by himſelf or any other perſon, ſhall unneceſſarily gaſh or cut any hide of any ox, bull, ſteer, or cow, in killing or ſlaying thereof or otherwiſe, whereby the ſame ſhall be impaired or hurt, upon pain of forfeiture for every hide ſo gaſhed or cut the ſum of twenty pence.

Hides not to be unneceſſarily gaſhed in killing.

9 *Anne* 11. *ſec.* 11. *Eng.*

Penalty, 20 d. *per* hide.

XI. And be it further enacted by the authority aforeſaid, That all and every tallow-chandler, or other perſon, that melts or renders tallow for ſale, ſhall from and after the ſaid twenty fifth day of March one thouſand ſeven hundred and four brand every caſk of tallow with the letter of his name on each caſk, and ſhall alſo mark the tare of each caſk upon the caſk; and if upon tryal the tare prove more than is marked on the caſk, that then the ſeller ſhall allow and abate the buyer ſix pence

Seller of tallow to brand every caſk with the letter of his name, and mark the tare, and allow 6 d. for each pound above.

2 *G.* 1. 16. *&c.*

per

per pound for each pound the tare ſhall weigh more than the ſame is marked.

XII. And whereas it is very uſual for butchers in Smithfield market, and the ſeveral other markets of this kingdom, to agree for cattle, and give earneſt for the ſame to the ſeller, and then go away and keep the ſeller waiting the whole day, and many times to the next day, before they come to pay the money for the ſaid cattle, and take them away to the great damage of the ſeller: for remedy whereof be it enacted by the authority aforeſaid, That no perſon or perſons whatſoever, that ſells any beaſts, ſheep, lambs, hogs, or any other ſort of cattle whatſoever in Smithfield market, or in any other market or fair in this kingdom, ſhall be obliged to wait for or attend the buyer of ſuch cattle above the ſpace of two hours after ſuch earneſt given as aforeſaid; and that in caſe the buyer does not come and pay down the full price agreed for, and receive the cattle ſold him within the ſpace of two hours after ſuch bargain made and earneſt given as aforeſaid, that then the ſaid buyer ſhall loſe and forfeit the earneſt he ſo gave, and that then it ſhall and may be lawful to and for the ſeller of ſuch cattle to expoſe the ſame to ſale again, and to ſell the ſaid beaſts and cattle to any other perſon whatſoever, and to keep the aforeſaid earneſt; and where the ſeller of ſuch beaſt or cattle ſhall not, by reaſon of the earneſt given and bargain made as aforeſaid, ſell ſuch beaſt or cattle to any other perſon in the ſaid market, and every ſuch perſon ſo contracting to ſell, ſhall and may by action on the caſe recover his damages for the loſs of his market, and ſuch other loſs as he ſhall ſuſtain thereby, with his full coſts of ſuit.

No ſeller of cattle in market or fair obliged to wait for buyer above two hours after earneſt.

buyer to forfeit ſuch earneſt,

and the cattle may be ſold to any other, 10 *G.* 1. 10.

If not ſold by reaſon thereof, damages and full coſts by action on caſe.

XIII. And for the more ſpeedy and effectual putting this act in execution in and through this whole kingdom, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the juſtices of the peace of the ſeveral counties of this kingdom reſpectively at and in their reſpective quarter-ſeſſions to enquire into, hear, and determine all and every the offences aforeſaid, and upon the conviction or convictions of ſuch offenders before them, to make extracts of the one moyety of the ſaid forfeitures into her Majeſty's court of Exchequer, in order to levy the ſame to her Majeſty's uſe, in ſuch manner as had been uſed to be done in caſe of other fines, iſſues, and amercements grown due and forfeited to her Majeſty in the ſeſſions of the peace, and to award and iſſue forth execution for the other moyety due by this act to the informer or proſecutor, by writs of *capias* or *fieri facias* out of the ſaid court of ſeſſions, in ſuch ſort as the court of Queen's Bench at Dublin can, may, or have in ſuch caſes uſed to do.

Juſtices of peace to inquire at ſeſſions, and on conviction eſtreat one moiety of forfeitures into Exchequer for the Queen,

and iſſue execution for the other to informer by *capias* or *fieri facias*.

XIV. Pro-

A. D. 1703. Chap. 15.

Proſecution in ſix months.

XIV. Provided nevertheleſs, and it is hereby declared, That no perſon or perſons whatſoever ſhall at any time hereafter be ſued, troubled, or moleſted for any offence or offences done or committed, or ſuppoſed to be done or committed, againſt this act, unleſs ſuch proſecution ſhall be begun within ſix kalendar months next after the ſaid offence or offences committed.

Treble coſts on vexatious proſecution,

XV. And be it further enacted by the authority aforeſaid, for the preventing of vexatious informations and proſecutions by colour of this act, That if upon any information, or other proſecution grounded upon this act, it ſhall appear to the judges or juſtices of the peace, before whom ſuch information ſhall be preſented, that ſuch information or proſecution was promoted only for vexation, and without any reaſonable cauſe, the ſaid judges or juſtices of the peace ſhall and are hereby required by virtue of this act to award the party, ſo unjuſtly accuſed or proſecuted, treble coſts occaſion'd by ſuch vexatious proſecution; the ſame to be recovered and levied by *capias* or *fieri facias*.

by *capias* or *fieri facias*.

Anſwers to be put in on oath;

XVI. And be it further enacted by the authority aforeſaid, That if any Engliſh information or bill ſhall be brought againſt any perſon or perſons offending contrary to the tenor of this act, that then every ſuch perſon or perſons, againſt whom ſuch bill or information ſhall be exhibited, ſhall put in his or their anſwer or anſwers to ſuch information or bill, ſo exhibited againſt him or them, on his and their corporal oath and oaths; and

and no plea or demurrer as to the penalty.

that no plea or demurrer unto ſuch information ſhall in any wiſe be allowed in reſpect of the penalty of this act, which ſuch anſwer or anſwers may ſubject ſuch perſon or perſons unto.

Perſons ſued for executing this act may plead general iſſue, &c. and recover treble coſts. on nonſuit, &c.

XVII. And be it further enacted by the authority aforeſaid, That if any action, ſute, plaint, or information ſhall be commenced or proſecuted againſt any perſon or perſons for whatever he or they ſhall do in purſuance or in execution of this act, ſuch perſon or perſons ſo ſued in any court whatſoever, ſhall and may plead the general iſſue, not guilty; and upon any iſſue joyned, may give this act and the ſpecial matter in evidence; and if the plaintiff or proſecutor ſhall become nonſuit, or forbear further proſecution, or ſuffer a diſcontinuance, or if a verdict ſhall paſs againſt him, the ſaid defendant or defendants ſhall recover his or their treble coſts; for which he and they ſhall have the like remedy, as in caſe where coſts by law are given to the defendants.

Continuance ſeven years, &c.

9 *Anne* 7. *made perpetual.*

XVIII. Provided always, That this act ſhall be and continue in force for the ſpace of ſeven years from the firſt day of February one thouſand ſeven hundred and three; and from thence to the end of the next ſeſſions of Parliament, and no longer.

CHAP.

A. D. 1703.

CHAP. XVI.

An Act for reducing of intereſt of money to eight per cent for the future.

WHEREAS at this time there is a very great abatement in the value of land, and all merchandizes, wares, and commodities of this kingdom, both at home and alſo in foreign parts, whither they are tranſported: and whereas divers ſubjects of this kingdom, as well the gentry as merchants, farmers, and tradeſmen, both for their urgent and neceſſary occaſions for the following their trades, maintenance of their ſtocks and imployments, have borrowed and do borrow divers ſums of money, wares, merchandizes, and other commodities; but by reaſon of the ſaid general fall and abatement of the value of land, and the prices of the ſaid merchandizes, wares, and commodities, and intereſt in loan continuing at ſo high a rate as ten pounds in the hundred pounds for a year, doth not only make men unable to pay their debts and continue the maintenance of trade, but their debts daily increaſing, they are forced to ſell their lands and ſtocks at very low rates, to forſake the uſe of merchandize and trade, and to give over their leaſes and farms, and ſo become unprofitable members of the common wealth, and to the great hurt and hindrance of the ſame: be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon or perſons whatſoever from and after the five and twentieth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and four, upon any contract to be made after the ſaid twenty fifth day of March, ſhall take directly or indirectly for loan of any moneys, wares, merchandizes, or other commodities whatſoever, above the value of eight pounds for the forbearance of one hundred pounds for a year; and ſo after that rate for a greater or leſſer ſum, or for a longer or ſhorter time; and that all bonds, contracts, and aſſurances whatſoever, made after the time aforeſaid for payment of any principal or money to be lent, or covenant to be performed, upon or for any loan, whereupon or whereby there ſhall be taken or reſerved above the rate of eight pounds in the hundred as aforeſaid, ſhall be utterly void; and that all and every perſon and perſons whatſoever, which ſhall after the time aforeſaid upon any contract to be made after the ſaid twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and four, take, accept, and receive by way or means of any corrupt bargain, loan, exchange, cheviſance, ſhift, or intereſt of any wares, merchandize, or other thing or things whatſoever, or by any deceitful way or means, or by any covin, engine, or deceitful conveyance for the forbearing or giving day of payment for one whole year of or for their money, or other thing, above the ſum of eight pounds for the forbearing of one hundred pounds for a year, and ſo after that rate for a greater or leſſer ſum, or for a longer or ſhorter time, ſhall forfeit and loſe for every ſuch offence the treble value of the moneys, wares, merchandizes, and other things ſo lent, bargained, ſold, exchanged, or ſhifted.

21 *J.* 1. 17. *Eng.* 12 *C.* 2. 13. *Eng.* 12 *Anne* 16. *ſtat.* 2. *Eng.* 10 *per cent. by* 10 *C.* 1. 22. *ſeſſ.* 2. 7 *by* 8 *G.* 1. 13. 6 *by* 5 *G.* 2. 7.

Abatement in value of lands and merchandiſe of this kingdom: Increaſe of debts from ſo high intereſt as ten *per cent.*

After the twenty fifth of March 1704, not above eight *per cent.* ſhall be taken for loan of money, *&c.*

Bonds and contracts for more, void;

Penalty treble value.

II. And be it further enacted by the authority aforeſaid, That all and every ſcrivener and ſcriveners, broker and brokers, ſollicitor and ſollicitors, driver and drivers of bargains or contracts, who ſhall after the ſaid twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and four, take or receive directly or indirectly any ſum or ſums of money, or other reward or thing for brokage, ſolliciting, driving, or procuring the loan, or forbearing of any ſum or ſums of money, over and above the rate or value of five

Scrivener or broker, *&c.* not to take above 5 s. *per* 100 l. or 12 d. for the bond or bill.

A. D. 1703.

ſhillings for the loan or forbearing of an hundred pounds for a year, and ſo rateably, or above twelve pence for making or renewing of the bond or bill concerning the ſame, ſhall forfeit for every ſuch offence twenty pounds, and ſuffer impriſonment for half a year; the one moiety of all which forfeitures to be to our ſovereign lady the Queen's Majeſty, her heirs and ſucceſſors, and the other moiety to him or them, that ſhall ſue for the ſame in any of her Majeſties four courts in Dublin by action of debt, bill, plaint or information; in which no eſſoign, wager of law, or protection to be allowed.

Penalty 20 l. and ſix months impriſonment.

All forfeitures to Queen and proſecutor.

CHAP. XVII.

An Act to ſupply the defects of an act paſt in the ſeventh year of the late King William, intituled, An act for the better regulating of meaſures in and throughout this kingdom.

Recital of 7 *W.* 3. 24.

WHEREAS in the ſeventh year of the late King William the third, an act of Parliament was paſt in this kingdom for regulating the meaſures of grain, intituled *An act for the better regulating of meaſures in and throughout this kingdom*; which ſaid act has not met with that good effect as by the ſame was intended; for that the penalty mentioned in the ſame is equal upon the ſeller as on the buyer, ſo that none can inform without apparent prejudice to himſelf, and that bakers, malſters, and other dealers in corn, do imploy indigent and inſolvent perſons to buy and meaſure corn and grain by other meaſures contrary to the ſaid ſtatute, who are not able to anſwer the penalty of the ſaid act: for remedy whereof, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the penalty mentioned in the aforeſaid act ſhall in no caſe be inflicted on the ſeller, but on the buyer; and that in caſe any baker, malſter, or dealer in corn, ſhall imploy any ſuch indigent and inſolvent perſon or perſons, who ſhall not be able as aforeſaid to anſwer the penalty of the ſaid act, to buy, receive or meaſure any corn or grain for them, by any other meaſure than as is expreſſed by the ſaid act; that then the party or parties imploying ſuch receiver, buyer, or meaſurer, ſhall be liable to the penalty mentioned in the aforeſaid act.

The penalty therein ſhall be inflicted only on the buyer.

If perſons not able to pay the penalty are employed to buy or meaſure, the employer liable.

25. *G.* 15. 2. *ſold by weight only.*

CHAP.

A. D. 1703.

CHAP. XVIII.

An Act for the recovery of ſmall debts, in a ſummary way before the judges of aſſize.

FOR the eaſe of the ſubject in recovering ſmall debts, dues, and demands, in a cheap and ſummary way; be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the twenty third day of February in the preſent year of our Lord one thouſand ſeven hundred and three, it ſhall and may be lawful to and for the judges of aſſize in this kingdom, or any of them, in their reſpective circuits, commonly called the lent and ſummer aſſizes, or in either or any of them, and in the county palatine of Tipperary, to hear and determine in a ſummary way by an Engliſh bill, or paper petition in Engliſh, all manner of diſputes or differences between party and party, for any ſum not exceeding the ſum of ten pounds in debt, for which an action of debt would lie at the common law, other than debt for rent upon any leaſe of lands or tenements, or any other real contract; and five pounds in all actions of trover, actions of treſpaſs, or detinue for goods, or chattles taken or detained, ſo as the title of land be not thereby drawn in queſtion: in which proceeding the defendant ſhall have the benefit of all matters in his defence, that he might have had if he had been ſued in the ordinary forms of the common law, or in any court of equity. And the ſaid judge or judges are hereby authorized, and ſhall have full power and authority ſo to do, and to award and decree execution thereupon, with coſts againſt the bodies or goods of the parties, againſt whom they or either of them ſhall give ſuch decree or diſmiſs, as alſo intereſt thereupon, where the decree ſhall be given on a bill, bond, or contract under hand and ſeal, as to them ſhall ſeem juſt.

2 G. 1. 11.
8 G. 1. 6.
1 G. 2. 14.

II. And be it further enacted by the authority aforeſaid, That the judge or judges of aſſize, or either of them, ſhall iſſue or cauſe to be iſſued a ſummons or proceſs under the hand of the ſaid judge or judges of aſſize, or his or their clerk, wherein ſhall be expreſſed the plaintiff and defendants names, and cauſe of action, and the day and place of appearance; and that no cauſe ſhall be heard or decree pronounced upon ſuch petition, or Engliſh bill, until it ſhall be proved in open court upon oath, that the defendant was perſonally ſerved with ſuch ſummons or proceſs ſix days incluſive before the firſt day of that aſſize, by ſhewing the defendant the original ſummons or proceſs, and ſerving him with a copy thereof; or in caſe the defendant cannot be met with, and is not then out of the kingdom, by ſhewing the original ſummons or proceſs to, and leaving a copy of the ſame with, the defendant's wife, ſon, daughter, or menial ſervant, (ſuch ſon, daughter, or menial ſervant being of the age of ſixteen years) at the defendants's uſual place of abode, the ſame being within ſuch county, wherein ſuch aſſizes are to be held; and that if the defendant do or ſhall not appear after ſervice of ſuch ſummons or proceſs as aforeſaid, in ſuch manner, and proved on oath as aforeſaid, that then it ſhall and may be lawful to and for the ſaid judge and judges, or any one of them, in open court; to hear and examine into the truth of the matter complained of, and to determine the ſaid cauſe upon examination of credible witneſſes in open court, and in caſe of debt or contract by writing, the ſaid judge or judges may determine upon examination taken as aforeſaid, or by affidavit in writing made before the ſaid judges, or any one of them, to prove the perfection of the ſaid deed, bill, bond, or contract, and to prove his, her, or their hand ſubſcribed to the ſame; and to decree for the plaintiff, or to diſmiſs his bill or petition, as to the ſaid judges, or any of them, ſhall

A. D. 1703. Chap. 18.

ſhall ſeem juſt; and to iſſue executions, returnable the next aſſizes, for recovery of all ſums decreed, and ſuch coſts as are herein after mentioned, to be directed to the ſheriff of any county or counties within this kingdom, againſt the body or goods of the defendant or defendants in caſe of a decree, againſt the body or goods of the plaintiff or plaintiffs in caſe of a diſmiſs; which the ſheriff of the ſaid county, to whom the ſame ſhall be directed, ſhall execute in like manner as any execution iſſued out of any of her Majeſties four courts at Dublin; and ſuch ſheriff not to refuſe a ſpecial warrant, when demanded by the plaintiff, at his peril, taking the ſum of ſix pence, and no more, for the ſame: and the ſaid judges, or any of them, may inflict ſuch puniſhment on the ſaid ſheriff or ſheriffs, or any of them, for their contempt, negligence, or miſbehaviour therein, in like manner as other judges are impowered to do in the executing an execution or proceſs iſſued out of any of her Majeſties ſaid four courts at Dublin; and if the plaintiff ſhall not file his bill within twenty four hours after the return of the proceſs, or not proſecute or proceed in his cauſe after ſerving the defendant with ſummons or proceſs to appear as aforeſaid, then the ſaid judges, or any of them, upon oath made that the defendant was ſerved on the plaintiff's behalf with ſuch ſummons or proceſs in manner aforeſaid, ſhall and may diſmiſs the ſaid defendant, and decree and award him ſuch coſts as herein after limited and appointed, and iſſue execution for recovery and levying thereof as aforeſaid.

III. Provided always, That no perſon ſhall be obliged to appear before the ſaid judges, or any of them, upon any ſuch ſummons or proceſs at any aſſize out of the county, where the defendant actually reſides with his family, or makes his ordinary or uſual reſidence.

IV. Provided always, That it ſhall and may be lawful to and for any perſon, that ſhall find or think him or her ſelf aggrieved by the decree of the ſaid judges, or any of them, to appeal to the next going judge or judges of aſſize for the ſame county; which appeal the ſaid judges, or any one of them, are hereby required to receive, and ſtop all proceedings on the decree pronounced; the party appealing firſt paying the adverſe party the coſts allowed in this act, and entring before the ſaid judge or judges into a recognizance, not exceeding twenty pounds *ſterling*, with ſufficient bail, to pay the ſum decreed againſt him, with intereſt and coſts, in caſe no relief be had upon hearing ſuch appeal; and in caſes of ſuch appeals, the ſaid cauſes to be tried by a jury to be returned *inſtanter* before the judges of the ſaid next aſſize to be held for ſuch county and counties, where ſuch appeals do lie; and a decree and decrees, execution and executions, ſhall be given thereon in manner as aforeſaid; which ſaid verdict, decree, and execution, ſhall be concluſive to all parties.

V. Provided alſo, That if any perſon or perſons ſhall find him or themſelves aggrieved by ſuch decree, and hath not opportunity of entring into recognizance as aforeſaid, that then upon his depoſiting the money ſo decreed in the hands of the ſheriff, and entring into a bond of five pounds, with condition to perform and abide the decree of the next coming judge or judges of aſſize, that then and in ſuch caſe the ſaid ſheriff ſhall ſtop and forbear executing or levying the ſum or ſums ſo decreed until the next enſuing aſſizes.

VI. And be it further enacted by the authority aforeſaid, That the court held before the ſaid judges, or any of them, for hearing and determining the ſaid cauſes in a ſummary way, by Engliſh bill or petition as aforeſaid, ſhall be a court of record: and in caſe any perſon ſhall make oath in any cauſe to be heard and determined in the ſaid court, whereby he ſhall commit any wilful perjury, and be thereof duly convicted according to law; then ſuch perſon ſhall incur and ſuffer the like pains and penalties, as perſons convicted of wilful perjury according to the laws and ſtatutes of this kingdom.

VII. And

VII. And be it further enacted by the authority aforeſaid, That the ſeveral fees and ſums following, and no more or greater ſums, ſhall be paid or taken from any perſon ſuing or being ſued in the ſaid court, than herein after is limited and appointed: (that is to ſay) to the attorney for ſigning the proceſs, drawing, ſigning, and entring the bill, two ſhillings and ſix pence; for attending the hearing of the cauſe, drawing up the decree or diſmiſs thereon, the ſum of two ſhillings for his own pains, and no more; and if on the appeal the matter be found againſt the appellant, ſuch appellant ſhall pay double coſts; and that no plaintiff be obliged to retain, or to have his bill ſigned by, council: and that in all caſes where council appears for the plaintiff, if the plaintiff ſhall recover, there ſhall be taxed ten ſhillings coſts as alſo for ſuch council over and above other fees by this act allowed; and the like fees allowed to council for the defendant, if council appear for him, and the plaintiff be diſmiſſed: to the clerks of the civil bills for the proceſs, ſix pence; to the clerk of the civil bills for every decree or diſmiſs, twelve pence; to the judges for ſigning every decree or diſmiſs, one ſhilling; for every recognizance, twelve pence; to the judge for taking an affidavit in writing, ſix pence.

VIII. Provided always and be it enacted by the authority aforeſaid, That no judges ſervant or clerk ſhall be admitted to practice as attorney or ſollicitor in any of the aforeſaid cauſes depending before any of the ſaid judges, under the penalty of twenty pounds *ſterling*. To the ſheriff for his fee for executing any execution or decree purſuant to this act, ſix pence *per* pound for every pound in ſuch execution or decree, and no more.

IX. And be it further enacted by the authority aforeſaid, That if any ſheriff ſhall ſuffer any perſon, taken in execution by virtue of ſuch decree or diſmiſs, to make his eſcape, he ſhall be liable to an action of eſcape, and payment of the debt and damages in ſuch decree mentioned; to be recovered before the judge or judges of aſſize in ſuch manner, as is in other cauſes herein before mentioned.

X. And be it further enacted by the authority aforeſaid, That if any decree or diſmiſs, which ſhall be obtained from the ſaid judge or judges of aſſize, be not executed before the next aſſizes, that then and in ſuch caſe it ſhall and may be lawful to and for the plaintiff or plaintiffs in ſuch decree, or defendant or defendants in ſuch diſmiſs, to renew the ſame at the ſaid next aſſizes, or any other aſſizes then next enſuing, the plaintiff or plaintiffs, defendant or defendants, firſt making oath that he or they have received no part thereof; or if any part be received, then to renew the ſame for the ſum ſo remaining due on ſuch decree or diſmiſs, paying to the attorney for drawing up the ſame the ſum of twelve pence, and to the judge for ſigning one ſhilling, and to the judges clerk for entering ſix pence, and no more; and that the book, wherein the ſaid cauſes are regiſtered, may be depoſited by the clerks of the judges of aſſize at the end of the aſſize into the hands of the clerks of the crown of the reſpective counties, to be ready to be produced to the next going judge of aſſize, in order to make out renewalls of decrees, if occaſion ſhall be.

XI. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall or may be admitted to practice as an attorney before any judge of aſſize in any of the circuits of this kingdom in the recovering of any of the ſaid ſmall debts but ſuch perſon or perſons only, who are or ſhall be admitted attorneys in one of her Majeſties Four courts in this kingdom; and that no judge or judges of aſſize, or other perſon having power to hear and determine cauſes by virtue of this act, ſhall admit or ſuffer any perſon or perſons to practice before them as attorneys in recovering of the ſaid debts, but ſuch only as are attorneys of record in the Four courts as aforeſaid; and that no attorney ſhall be ſuffered to practice in any of the cauſes aforeſaid in any county or counties, wherein he is or ſhall be a juſtice of the peace.

XII. And be it further enacted by the authority aforeſaid, That ſuch of her Majeſties judges or councils learned in the law, who ſhall with the juſtices of the peace for the county of Dublin hold the general quarter ſeſſions of the peace for

A. D. 1703.

the ſaid county, ſhall and may in like manner at the general ſeſſions of the peace, hear and determine all the aforeſaid cauſes of action for ſmall debts or damages aforeſaid, in ſuch manner, and under ſuch fees and regulations, as the ſaid judge or juſtices of aſſize are hereby impowered to hear and determine the ſame, and thereupon to iſſue ſuch proceſs and execution for the obtaining thereof, as herein before are limited and appointed; and that all and every perſon or perſons, that ſhall apprehend him or themſelves to be aggrieved thereby, to have the like benefit of appeal as herein before is directed.

Continuance 3 years. *Expired.*

XIII. Provided always, That this preſent act, and the execution thereof, ſhall continue for three years, and no longer.

CHAP. XIX.

¶ *An Act for erecting a workhouſe in the city of Dublin for imploying and maintaining the poor thereof.*

1 G. 2. 27. *the corporation hereby created, diſſolved, and a new one created.*

WHEREAS the neceſſities, number, and continuall increaſe of the poor within the city of Dublin, and liberties thereto adjoyning, are very great and exceeding burthenſome for want of workhouſes to ſett them at worke, and a ſufficient authority to compell thereto: and whereas the lord mayor, ſherriffs, commons, and citizens of Dublin, for the encouragement of ſo neceſſary and charitable a worke, are willing not only to appropriate a piece of ground for a workehouſe within the ſaid city, but alſo to endow the ſame with lands of inheritance of the value of one hundred pounds *per annum*; be it therefore enacted by the Queen's moſt excellent Majeſtie, by and with the advice and conſent of the lords ſpirituall and temporall and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and immediatly after the firſt day of May one thouſand ſeven hundred and four, there be and ſhall be a corporation to continue for ever within the county of the city of Dublin, which corporation ſhall conſiſt of the ſeverall perſons hereafter mentioned; (that is to ſay) the cheife governour or or governours of this kingdom, the lord mayor of the city of Dublin, the lord primate, the lord chancellor, the lord archbiſhop of Dublin, the lord of the manor of Thomas-court and Donore, the chancellor of the Exchequer, the three cheife judges, the attorney and ſollicitor generall, the deanes of Chriſt church and Saint Patricks Dublin, the recorder, aldermen, ſherriffs and ſherriffe peers of the ſaid city, the ſtate phyſician, the ſurgeon generall, the ſurveyor generall, the high ſherriffe of the county of Dublin, the ſeneſchalls of Saint Sepulchers and Thomas-court for the time being, Sir Richard Bulkeley baronett, Robert Moleſworth eſquire, John Allen eſquire, and Joſeph Dean eſquire, juſtices of the peace in the ſaid county of Dublin; and upon the deceaſe or removeall of the ſaid Sir Richard Bulkeley, Robert Moleſworth, John Allen, and Joſeph Dean, or any of them, the juſtices of the peace for the ſaid county ſhall elect and nominate from time to time for ever hereafter, at their next quarter-ſeſſions after the death or removeall of any of the ſaid juſtices of the peace of the ſaid county, one or more of their number to ſucceed in the place or ſtead of him or them ſo dying or removed as aforeſaid.

II. And be it enacted by the authority aforeſaid, That the aforeſaid perſons ſhall for ever hereafter in name and fact be one body pollitick and corporate in law to all intents and purpoſes, and ſhall have perpetuall ſucceſſion, and be called by the names of the governours and guardians of the poor of the city of Dublin, and that they ſhall be enabled to plead and ſue, and to be ſued and impleaded by that name in all courts and places of judicature within this kingdome, and by that name ſhall and may without lycence in *mortmaine* purchaſe, take, and receive any lands, tenements, goods, and chattles whatſoever, for the uſe and benefitt of the corpo-

corporation aforeſaid; and that they ſhall and may have a common ſeale for the uſe of the ſaid corporation.

III. And for the better governing of the ſaid corporation be it further enacted, That the cheife governor or governors of this kingdome, the lord mayor of the city of Dublin, the lord primate, the lord chancellor, the lord archbiſhop of Dublin, the lord of the mannor of Thomas-court and Donore, the chancellor of the Exchequer, the three cheife judges, the attorney and ſollicitor generall, the deanes of Chriſt church and Saint Patricks Dublin, the recorder, aldermen, ſherriffs, and ſheriffe peers of the ſaid city, the ſtate phyſician, the ſurgeon generall and ſurveyor generall, the high ſherriffe of the county of Dublin, the ſeneſchalls of Saint Sepulchers and Thomas-court for the time being; Sir Richard Bulkeley baronet, Robert Moleſworth eſquire, John Allen eſquire, and Joſeph Deane eſquire, and ſuch as after the deceaſe and removeall of the laſt mentioned perſons ſhall ſucceed them in manner as aforeſaid, or any ſeven of them, whereof the ſaid lord mayor of the ſaid city, or the ſaid lord archbiſhop of Dublin, is to be always one, ſhall have and hereby have authority to meet as often as to them ſhall ſeem convenient, and ſhall and may on every firſt munday in the month of June elect and conſtitute out of and from amongſt themſelves the ſeverall officers following: (that is to ſay) one treaſurer and ſeven aſſiſtents to continue in the ſaid offices for one yeare and no longer, without any reward or ſallary for the ſame; and in caſe of the death of any of the ſaid officers before their ſaid yeare ſhall expire, that then the ſaid governours and guardians of the ſaid poor, or any five of them, whereof the lord mayor for the time being, or the ſaid lord archbiſhop for the time being, is allwaies to be one, may elect and conſtitute other perſons in the roome of the officer or officers ſo dying, to hold the ſaid office or offices for the remainder of the ſaid year, and ſhall have power and authority at any time or times to remove, or diſplace, and put out any ſuch officer or officers, and to elect and conſtitute another in his or their room.

IV. And be it further enacted by the authority aforeſaid, That the ſaid lord mayor, and five of the ſaid aſſiſtants ſhall have, and hereby have, power and authority, and hereby are enjoined and required, from time to time upon the firſt thurſday in every month to keep a court or aſſembly of the ſaid corporation within the ſaid city; which court or aſſembly may have power and authority from time to time to make and ordain by-laws, rules, and ordinances for the better governing the ſaid corporation, and for the releiving, regulating, and ſetting at worke all vagabonds and beggars, which ſhall come within the city or liberties aforeſaid; and that the court or aſſembly may provide ſuch neceſſaries and materials, as they ſhall think convenient for the ſetting to work the poor of the ſaid city and liberties, or any that ſhall be found begging therein; and ſhall have power to apprehend all idle or poor people begging or ſeeking releife within the county of the ſaid city or liberties thereto adjoining, or who receive pariſh alms, to dwell or inhabit in ſuch hoſpitall or workehouſes as ſhall be hereafter erected for that purpoſe within the ſaid city, and to do ſuch worke and labour there as the ſaid court or aſſembly ſhall think them able and fit for; and alſo to detain and keep in the ſervice of the ſaid corporation untill the age of ſixteen yeares any poor child or children, found or taken up within the ſaid city or liberties above the age of five years, who ſhall be left to be maintained by any pariſh or pariſhes in the ſaid city or liberties aforeſaid, or who are unable to ſupport themſelves; and after they have attained their ſaid age of ſixteen years, or ſooner, the ſaid court or aſſembly ſhall have power to bind or put out ſuch child or children apprentices to any honeſt perſon or perſons, being Proteſtants, within this realme: (that is to ſay) every ſuch male child or children, untill he or they attain the age of twenty four years; and every ſuch female child or children, untill ſhe or they attain the age of twenty one years, or for any leſſer time.

V. And

V. And be it enacted by the authority aforeſaid, That the ſaid court or aſſembly, ſo conſtituted as aforeſaid, may have power to inflict reaſonable puniſhment or correction from time to time on any vagabond or poor perſon or perſons within the ſaid workehouſe or workehouſes, who ſhall not conform to ſuch rules, orders, and ordinances ſo to be made as aforeſaid.

VI. And be it further enacted by the authority aforeſaid, That the ſaid corporation ſhall have the care of the maintenance of the poor of the ſaid city and liberties aforeſaid, of what age or kind ſoever they be, infants under the age of five years only excepted: and in order thereunto the ſaid court or aſſembly ſhall have full power to examine, ſearch, and ſee what poor perſons are come into, inhabiting, or reſiding within the ſaid city or liberties aforeſaid, or any part thereof; and ſhall have power to apprehend, or cauſe to be apprehended, any idle vagrants and beggars within the county of the ſaid city, or liberties thereto adjoining, and to cauſe them to be kept and ſet to worke in the ſaid workehouſes for any time or term not exceeding ſeven years.

VII. Provided always, and be it enacted by the authority aforeſaid, That this act, or any thing therein contained, ſhall not in any wiſe extend to give the ſaid corporation any power or authority over any almshouſes, hoſpital, or any other charitable gift or uſe within the ſaid city already ſettled or erected, but the ſame ſhall be wholly exempted therefrom; any thing herein to the contrary notwithſtanding.

VIII. And be it further enacted by the authority aforeſaid, That the ſaid corporation in their ſaid court or aſſembly ſhall have power to chooſe and entertain all ſuch officers and maſters of trades or handicrafts, as ſhall be needful to be employed in the ſaid workehouſe or workehouſes, for the better government thereof, or inſtruction of the perſons kept at worke therein, and them or any of them from time to time to remove as they ſhall ſee cauſe; and upon the death or removeall of them or any of them, to chooſe others in their place, and to make and give ſuch reaſonable allowances to them, or any of them, out of the ſtock or revenue belonging to the ſaid corporation-hoſpitals, as they ſhall think fit.

IX. And be it enacted by the authority aforeſaid, That the treaſurer of the ſaid workehouſe or workehouſes for the time being ſhall once every year on the firſt thurſday in November lay before the ſaid corporation a juſt and true account of the revenue of the ſaid workehouſe, and of the produce of the manufactures made therein; and in caſe it ſhall appeare that any perſon or perſons, intruſted with the receipt thereof, ſhall detain or miſapply any part thereof, that then ſuch perſon or perſons ſo offending ſhall forfeit double the ſum ſo wrongfully detained or miſapplied, to be recovered by action of debt in any court of record by the perſon, who ſhall ſue for the ſame, for the uſe of the ſaid corporation.

X. And for the encouragement of ſuch as ſhall become benefactors to ſo good a deſign; be it enacted by the authority aforeſaid, That if any man charitably diſpoſed ſhall give fifty pounds or more towards carrying on the ſaid worke, it ſhall and may be lawful for the ſaid corporation at their court or aſſembly aforeſaid to elect and conſtitute ſuch charitable perſon to be one of the guardians of the ſaid poor of the ſaid city.

XI. And for the effectual carrying on and maintaining ſo good and neceſſary a worke; be it enacted, That all that the parcel of ground walled in on the ſouth-weſt end of James's-ſtreet, and a parcel of land adjoining thereto, called the pipes, containing about fourteen acres, on which are built ſeveral houſes called George's Folly, being the donation of the ſaid city, for and towards the ſupport of the ſaid workehouſe, ſhall be and is hereby veſted in the ſaid governours and guardians of the poor of the ſaid city of Dublin, and their ſucceſſors for ever, for the uſe, ſupport, and maintenance of the ſaid poor, to be employed in the ſaid workehouſe.

XII. And be it further enacted by the authority aforeſaid, That the lord mayor, recorder, and aldermen of the city of Dublin for the time being, or any ſeven of them, together with the reſpective ſeneſchals of Saint Sepulchers and Thomas-court,

court, and Donore, whereof the lord mayor for the time being is to be always one, ſhall have power and authority, and they are hereby impowered and required under the ſeal of the ſaid city, from and after the firſt day of May next, to lycence all ſuch perſons, as ſhall drive or keep any hackney coach or coaches, carts or carrs, plying for hire within the ſaid city or liberties thereto adjoyning as aforeſaid, or who ſhall keep or carry any chairs or ſedans in the ſaid city for hire; and that the number of all hackney coaches ſo to be licenced as aforeſaid, ſhall not exceed one hundred and fifty; and for every lycence to be granted for each coach, there ſhall be paid to the governours and guardians of the poor of the ſaid city the ſum of five pounds *ſterling*, by way of fine for ſuch lycence, before ſuch lycence ſhall be delivered to him or them as aforeſaid; and the lycences, and every of them, ſhall be granted to continue for and during the terme of one and twenty yeares, from the firſt day of May one thouſand ſeven hundred and four, and no longer, and to be transferrable by the parties, to whom the ſame ſhall be granted, or by their executors, adminiſtrators, or aſſigns, under the rents and covenants therein to be contained: and upon every of the ſaid licences there ſhall be reſerved and made payable to the governours and guardians of the poor of the ſaid city, and their ſucceſſors, the yearly rent or ſum of forty ſhillings and no more, payable quarterly at the four uſual payments in the yeare, *viz.* on every firſt day of Auguſt, firſt day of November, firſt day of February, and firſt day of May, with ſuch covenants, conditions, and proviſoes therein to be inſerted for the more effectual payment thereof, as the ſaid governours and guardians in their diſcretion ſhall think fit.

XIII. And be it further enacted by the authority aforeſaid, That from and after the firſt day of May, which will be in the yeare of our Lord one thouſand ſeven hundred and four, no perſon or perſons ſhall preſume to drive or lett to hire by the hour, day, or otherwiſe, any hackney coach or coaches to ply within the ſaid city, or liberties aforeſaid, or within the pariſhes or places comprized within the bills of mortality adjoyning to the ſaid city, without ſuch leave or lycence firſt obtained from the lord mayor, recorder, aldermen, and ſeneſchals as aforeſaid; and that no horſe, gelding, or mare, to be uſed in any ſuch hackney coach or coaches, ſhall be under the ſize of fourteen hands and a half according to the ſtandard; and that every coach to be licenced ſhall have a marke of diſtinction by a figure or otherwiſe, as the lord mayor, recorder, and aldermen ſhall think fit; and the ſaid marke ſhall be placed on each ſide of every ſuch coach; and that no perſon ſhall be licenced to keep more than two hackney coaches to ply within the ſaid city or liberties; and that no perſon ſhall blott out or deface, or change the marke or figure of his diſtinction appointed for ſuch coach or coaches as aforeſaid, under the forfeiture of five pounds for every or any the offences aforeſaid; one moyety whereof to go to the informer, and the other moyety to the uſe of the ſaid workehouſe; to be recovered before the lord mayor for the time being, on proofe made before him on oath, after one ſummons to the party offending, by diſtreſs and ſale of the offenders goods: but it is hereby declared that no goods or chattles ſhall be ſeized, taken, or diſpoſed of in the aforeſaid liberties of Saint Sepulchers, Thomas-Court, and Donore, or either of them, but by warrant under the hand of the reſpective ſeneſchals of the ſaid liberties for the time being.

XIV. And be it further enacted, That if the ſaid lord mayor, recorder, aldermen, and ſeneſchals, ſhall grant licences for more than the number of one hundred and fifty coaches as before is directed, or ſhall grant any licences for any hackney coaches for any longer term than herein before is directed, they ſhall forfeit for every ſuch offence the ſum of fifty pounds *ſterling*; to be recovered by him or them that ſhall ſue for the ſame in any court of record; and every ſuch lycence ſo unduely given ſhall be void.

XV. And be it further enacted, That no hackney coachman ſo licenced, nor the driver of ſuch coach, ſhall preſume to take for his hire in and about the ſaid city, or within five miles of the ſame, above the rate of five ſhillings for a day, reckoning twelve hours to the day; and by the hours, not above twelve pence for

A. D. 1703. Chap. 19.

the first hour, and six pence every hour after, and six pence for setting down any person or persons in any place of the said city or liberties aforesaid, as far as the publick lights are erected: and if any coachman shall refuse to go at, or shall exact more for his hire than the severall rates hereby limitted, or leave his faire without permission, he shall for every such offence forfeit any sum not exceeding twenty shillings, to be recovered before the lord mayor as aforesaid.

XVI. And be it further enacted by the authority aforesaid, That the number of chairs or sedans, so to be licenced as aforesaid, shall be a number not exceeding eighty; and that the said chairs, and the persons who carry the same, shall be approved of and licenced by the lord mayor, recorder, aldermen, and seneschalls as aforesaid, and upon every such licence there shall be reserved and made payable yearly as aforesaid to the said governours and guardians of the said poor the sum of forty shillings, and no more; and none, but such as shall be so licenced, shall be capable to carry any such chair for hire within the said city and liberties, under the penalty of twenty shillings, to be recovered before the lord mayor as aforesaid, for every time he and they shall offend therein; which chairs shall be marked as the coaches are directed, and such rates shall be paid for their hire by the hour as for coaches, and by the day three shillings, and no more.

XVII. And be it further enacted by the authority aforesaid, That carts, usually plying for hire within the said city and liberties aforesaid, shall from and after the first day of May one thousand seven hundred and four pay yearely unto the said governours and guardians of the poor the severall sums following: that is to say, every such cart shall pay the sum of twenty shillings, and every such carr ten shillings; and that the owners of every such cart and carr shall on or before the first day of May next enter his name, and the number of the carts or carrs so plying for hire as aforesaid, with the clerke of the Tholsell of the said city, for which he shall take three pence, and no more, under penalty of forfeiting twenty shillings for every time such cart or carr shall ply for hire in the said city without being entred as aforesaid.

XVIII. And be it further enacted by the authority aforesaid, That all brewers within the city and liberties aforesaid shall yearly pay to the governours and guardians of the said poor the sum of twenty shillings for every draw or carr used within the said city; and for non payment thereof such draw or carr shall be liable to distress as aforesaid.

XIX. And for the better support and maintenance of the said poor in the said workehouse; be it further enacted by the authority aforesaid, That all and every the houses within the county of the said city of Dublin, and the liberties thereto adjoyning as aforesaid, shall pay, and are hereby charged with, the sum of three pence in the pound for every pound of the yearly value of every such house or houses, as the said valuations are returned for the collection of ministers money in the city and liberties aforesaid; and where no such valuations is or shall be returned, the said houses shall pay three pence in the pound *per annum*, according to the rent payable by the tenants in possession; which said three pence *per* pound shall for and during the term of one and twenty yeares, to commence from the twenty first day of May next, and to the end of the next session of Parliament after the said twenty one yeares, be a charge on the inhabitant or inhabitants of every such house or houses, and shall be levyed and received by the church wardens of the respective parishes, and in places extraparochiall by the church wardens of the adjoyning parish, at such time, and in such manner, as the ministers money in the said city is levyed by a statute made in this kingdom in the seventeenth and eighteenth yeares of King Charles the second, intituled, *An act for the provision of ministers in cities and corporate towns, and making the church of saint Andrews presentative for ever.*

XX. And be it further enacted by the authority aforesaid, That in case any surplus profits shall remain after defraying the necessary charges of the said workehouse, and maintenance of the poor to be imployed or maintained therein, that a proportionable

proportionable abatement be made out of the tax laid or to be laid on the houſes in this city, by vertue of this act.

A. D. 1703. Chap. 19.

XXI. And be it further enacted by the authority aforeſaid, That for the better regulateing and ordering ſuch perſons who ſhall be licenced to keep hackney coaches or chaires, and to prevent diſturbances, ſtoppages, and other inconveniencies in the ſtreets where ſuch coaches or chaires ſhall ſtand or be driven, and alſo any rudeneſs by any coachman or coachmen, and chairman or chairmen, it ſhall and may be lawfull for the lord mayor, recorder, aldermen, and ſeneſchalls, to make ſuch orders and by-laws to bind ſuch perſons only ſhall have licences to keep hackney coaches and chaires as aforeſaid, and to annex ſuch reaſonable penalties and forfeitures, not exceeding twenty ſhillings, for the better execution thereof, ſo as ſuch by-laws and ordinances do not containe any thing repugnant to the laws of the land.

XXII. Provided, that nothing in this act ſhall extend, or be conſtrued to extend, to any ſtage coach, or other coach, which ſhall be hired on any journey into the countrey, but the ſame, as to every ſuch ſtage coach or other coach to be taken by hire on any journey into the countrey, ſhall remain as if this act had never been made: ſaveing alwaies to the Queens moſt excellent Majeſtie, her heirs and ſucceſſors, all ſuch eſtate, right, title, and intereſt of, into, or out of all thoſe the aforeſaid parcells of ground and land, and the meſſuages and tenements thereon erected, hereby veſted in the ſaid governours and guardians as aforeſaid, as her Majeſty, her heirs or ſucceſſors, have, or at any time hereafter may have, of, into, or out of the ſame; any thing herein contained to the contrary notwithſtanding.

THE

A. D. 1705.

THE FOURTH YEAR OF ANNE.

CHAP. I.

An act for granting to her Majeſty an additional duty on beer, ale, ſtrong waters, tobacco, callicoes, linnens, muſlins, and other goods and merchandizes.

WE your Majeſties moſt dutiful and loyal ſubjects the commons of Ireland in Parliament aſſembled, being highly ſenſible of the many bleſſings we enjoy under your Majeſties moſt auſpicious reign, and of your Majeſties royal care for eaſing us of any difficulties we may lie under, have in the moſt chearful manner unanimouſly reſolved to ſupply your Majeſty to the utmoſt of our power with what ſhall be neceſſary for the ſupport of your Majeſties government and defence of this your kingdom: we do therefore moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by authority of the ſame, That from and after the twenty ninth day of September in the year of our Lord God one thouſand ſeven hundred and five, there ſhall be throughout this your Majeſties kingdom of Ireland raiſed, levied,

A. D. 1705. Chap. 1.

collected and paid, by way of exciſe to your Majeſty, your heirs and ſucceſſors, during the ſpace of two years, commencing the twenty ninth of September one thouſand ſeven hundred and five, and ending the twenty ninth of September one thouſand ſeven hundred and ſeven incluſive, for and upon all beer, ale, ſtrong waters, to be brewed or made within this kingdom for ſale, and upon all tobacco, muſlins, linnens, white, painted, and ſtained callicoes, and upon ſilks and ſtuffs made or manufactured in Perſia, China, or the Eaſt-Indies, which ſhall be imported into this kingdom within the time above limited, the ſeveral rates and duties herein after mentioned: (that is to ſay) for every thirty two gallons of beer or ale of above ſix ſhillings the barrel price, brewed within this kingdom by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, one ſhilling and ſix pence, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity; for every thirty two gallons of beer or ale of ſix ſhillings the barrel or under, brewed within this realm by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, three pence, to be paid by the common brewer or ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity; for every gallon of ſpirits, *aqua vitæ*, ſtrong waters, or ſpirits made or diſtilled within this realm for ſale, the ſum of three pence, to be paid by the firſt maker or diſtiller thereof; for every pound weight of tobacco imported into this realm, three pence half penny; for every yard of muſlin, or any ſort of linnen imported into this kingdom, the ſum of ſix pence; for every yard of white, painted, or ſtained callicoes, and of all ſilks and ſtuffs made or manufactured in Perſia, China, or the Eaſt-Indies, imported into this kingdom, the ſum of one ſhilling and ſix pence; all which ſaid ſeveral duties, rates, and impoſitions, herein before charged as well upon beer, ale, ſpirits, *aqua vitæ*, and ſtrong waters, as upon tobacco, muſlins, linnen, callicoes, ſilks, and ſtuffs, ſhall be raiſed, levied, collected, and paid to her Majeſty, her heirs and ſucceſſors during the time aforeſaid, over and above all other duties payable for the ſame, by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; or by virtue of one other act made in the ſaid fourteenth year of the reign of the ſaid King Charles, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tonnage and other ſums of money unto his Royal Majeſty, his heirs and ſucceſſors; the ſame to be paid upon merchandizes, imported and exported into or out of this kingdom of Ireland, according to a book of rates hereunto annexed.*

II. And be it further enacted by the authority aforeſaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauſes, matters and things, which in and by the ſaid act of Parliament, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, are provided, ſettled, or eſtabliſhed for raiſing, levying, collecting, recovering, adjudging, or aſcertaining the duties thereby granted, other than in ſuch caſes for which other penalties or proviſions are made and preſcribed by this act, ſhall be exerciſed, practiced, applied, uſed, levied, recovered, and put in execution for the raiſing, levying, collecting, recovering, and paying all and ſingular the duties and impoſitions by this act granted and impoſed upon the ſeveral liquors and other commodities herein mentioned and expreſſed, as fully and effectually to all intents and purpoſes, as if all and every of the ſaid powers, authorities, rules, directions, methods, penalties, forfeitures, clauſes, matters, and things, were particularly repeated and again enacted in the body of this preſent act; with the like liberty of appeal to and for the party grieved, as in and by the ſaid act of exciſe is provided.

CHAP.

CHAP. II.

An Act to explain and amend an act, intituled, *An act for regiſtring the popiſh clergy.*

WHEREAS two acts lately made for baniſhing all regulars of the popiſh clergy out of this kingdom, and to prevent popiſh prieſts from coming into the ſame, as alſo one other act, intituled, *An act for regiſtring the popiſh clergy*, may be wholly eluded, and by means thereof future rebellions may be encouraged and promoted, by the great numbers of popiſh prieſts, that already have been, or hereafter may be, ordained in this kingdom by the authority of the church of Rome, in regard the aforeſaid acts do not extend to ſuch perſons, as have been or may be ordained popiſh prieſts ſince the expiration of the time appointed by the ſaid act for regiſtring the popiſh clergy as aforeſaid: for remedy whereof, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any popiſh prieſt or prieſts, or perſon whatſoever exerciſing the office or function of a popiſh prieſt, ſhall after the four and twentieth day of June in the year of our Lord one thouſand ſeven hundred and five be found in this kingdom, other than ſuch prieſts who have actually regiſtered their names in purſuance to the aforeſaid act, made for regiſtring the popiſh clergy as aforeſaid, ſhall be, and are hereby declared to be, liable to ſuch penalties, forfeitures, and puniſhments, as by the aforeſaid act, made for baniſhing all papiſts exerciſing any eccleſiaſtical juriſdiction and all regulars of the popiſh clergy out of this kingdom, are impoſed on popiſh archbiſhops, biſhops, vicars general, deans, jeſuits, fryars, or any other papiſts exerciſing any eccleſiaſtical juriſdiction, who ſhall come into this kingdom contrary to the ſaid act.

9 *Wil.* 3. 1. 2 *Anne* 3. 2 *Anne* 7. ſaid acts not extending to prieſts ordained ſince.

Perſons exerciſing office of popiſh prieſts after 24 June 1705, except regiſtered purſuant to 2 *Anne* 7, liable to penalties in 9 *Wil.* 3. 1.

II. And be it further enacted by the authority aforeſaid, That any perſon or perſons, who ſhall after the ſaid four and twentieth day of June knowingly harbour, relieve, conceal, or entertain any ſuch clergyman of the popiſh religion, or other perſon or perſons exerciſing the office or function of a popiſh prieſt as aforeſaid, and not regiſtered as aforeſaid, ſhall be liable to ſuch penalties and forfeitures, as by the ſaid acts are impoſed on the harbourers, relievers, and concealers of any popiſh archbiſhop, biſhop, vicar general, dean, jeſuit, fryer, or

Harbourers, concealers, &c. of thoſe not regiſtered, liable to penalties of ſaid acts on harbourers, &c.

A. D. 1705.

regular popish clergyman, to be levied on them, and every of them, in the ſame manner as by the ſaid act is directed: and all juſtices of the peace, ſheriffs, high and petty conſtables, and all other her Majeſty's loving ſubjects, are hereby required to uſe their utmoſt diligence in apprehending all ſuch popiſh prieſts, and other perſon or perſons exerciſing the office or function of a popiſh prieſt as aforeſaid, and not regiſtered as aforeſaid.

Juſtices, &c. and all ſubjects, to uſe diligence in apprehending ſuch as not regiſtered.

IV. And be it further enacted by the authority aforeſaid, That if any mayor, juſtice of the peace, or other officer, knowingly and voluntarily ſhall neglect his or their duty in execution of this act, every ſuch mayor, juſtice of the peace, and other officer ſhall for every ſuch neglect forfeit the ſum of fifty pounds; to be recovered by action of debt, bill, plaint, or information, wherein no protection, eſſoin, or wager of law, ſhall be allowed, nor more than one imparlance; one moiety thereof to the Queen's Majeſty, her heirs and ſucceſſors, and the other moiety to the informer, or perſon that ſhall ſue for the ſame: this act to continue in force to the one and twentieth day of September, which ſhall be in the year of our Lord one thouſand ſeven hundred and eight, and to the end of the then next ſeſſions of Parliament, and no longer.

Penalty on officers neglecting, 50*l.* to Queen and informer.

Continuance, to 21 Sept. 1708, *&c.* 8 *Anne* 3. *made perpetual.*

CHAP. III.

An Act to repeal an act, intituled, *An Act for the advancement of the trade of linnen manufacture.*

WHEREAS an act of Parliament made in the ſeventeenth and eighteenth years of the reign of the late King Charles the ſecond of bleſſed memory, intituled, *An Act for the advancement of linnen manufacture*, has been found by long experience to be impracticable in ſome points, and altogether ineffectual for the purpoſes thereby intended, and nevertheleſs contains many and grievous penalties very burthenſome to her Majeſty's ſubjects, and that other and much better methods are taken and purſued for the advancement of the ſaid trade: be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, That the aforeſaid act, and every clauſe thereof, be henceforth repealed and made null and void; and that all her Majeſty's ſubjects be and are hereby diſcharged, releaſed, and forgiven all the fines, forfeitures, penal-

17 & 18 *C.* 2. 9. repealed.

ties,

ties, and puniſhments, that are, might, or may be, inflicted, incurred, or ſuffered, for or by reaſon of the ſaid act, or any article or clauſe therein contained. A. D. 1705.

CHAP. IV.

An act for the improvement of the hempen and flaxen manufactures in this kingdom.

Repealed 19 G. 2. 6.

FOR the encouragement of the linnen manufactures in this kingdom, and preventing abuſes therein; be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons whatſoever ſhall after the firſt day of May in the year of our Lord God one thouſand ſeven hundred and ſix ſell or expoſe to ſale any linnen yarn made in this kingdom, other than in hanks or dozens, each hank or dozen conſiſting of twelve cutts, and no more, and each cutt containing one hundred and twenty threads, and no more; and that all the yarn contained in the ſaid hank or dozen be flaxen yarn only, or tow yarn only, of the ſame colour and fineſs; and that no tow yarn be intermixed with the ſaid flax yarn; and that each hank or dozen be of one yard and a quarter in length, and no more: that each cutt ſhall be ſeparated as the ſame ſhall be reeled, and not afterwards, and that in the reeling of the ſaid linnen yarn no perſon or perſons ſhall reel more than one thread at a time, and that the ſtandard reel of this kingdom ſhall be two yards and an half in circumference: that each perſon or perſons, who ſhall ſell or expoſe to ſale any flaxen or hempen yarn in other manner than as aforeſaid, and ſhall be thereof convicted as herein after is mentioned and expreſſed, ſhall forfeit the whole hank, in which any cutt ſhall be falſly made up, to him, her, or them, who ſhall inform and proſecute the ſame with effect.

II. And foraſmuch as great prejudice ariſes to the linnen trade of this kingdom, by reaſon that the perſons, who deal therein, make their cloaths of ſuch dimenſions, as that they cannot be employed either at home or in foreign parts without great waſte and manifeſt loſs: for preventing whereof be it enacted, That from and after the ſaid firſt day of May one thouſand ſeven hundred and ſix no linnen cloath, made in this kingdom, ſhall be ſold or expoſed to ſale, that ſhall not be half an Engliſh ell, or two and twenty inches and half, broad at the leaſt; and that no linnen cloath ſhall be exported, that ſhall not contain half an Engliſh ell, or twenty two inches and a half, in breadth at the leaſt, and twenty yards in length at the leaſt, excepting linnen cloath made or to be made in imitation of kenting, cambrick, baptiſt, or lawns: that alſo from and thenceforth no piece of diaper conſiſting of three quarters of a yard, or twenty ſeven inches in breadth, and under one yard or thirty ſix inches in breadth, ſhall contain leſs than twenty ſix yards in length at the leaſt: that each piece of diaper, containing one yard and half in breadth or upwards, ſhall contain twelve yards in length at the leaſt: that each piece of narrow bed-ticks ſhall contain twenty inches in breadth at the leaſt, and fifteen yards in length at the leaſt; and that each piece of broad bed-tick, which ſhall be ſix quarters or above in breadth, ſhall contain ſix yards in length at the leaſt: and that all and ſingular the canvas or ſail-cloath made in this kingdom each piece do contain thirty ſix yards in length at the leaſt: and that all linnen cloath whatſoever, that is expoſed to ſale and rolled up, be tied at both ends, and not ſtitched up, to the end the ſame may be opened and the better examined by the buyer: and that all and every perſon and perſons, that ſhall preſume to do contrary to the premiſſes, or any part thereof, ſhall for each offence forfeit the ſaid

piece of cloath or linnen yarn, made and expoſed to ſale contrary to the true meaning hereof, to the informer; all and ſingular which ſaid forfeitures and penalties ſhall be levied and raiſed in manner following: (that is to ſay) that upon information upon oath to any juſtice of the peace or chief magiſtrate of any corporation in this kingdom, within the limits of their reſpective juriſdictions and authorities, againſt any perſon or perſons that ſhall have acted contrary to the purport and true meaning hereof, which oath the ſaid juſtice of peace or chief magiſtrate are hereby required and enabled to adminiſter; and thereupon the ſaid juſtice of the peace or chief magiſtrate reſpectively ſhall immediately iſſue a ſummons in writing under his hand and ſeal, thereby requiring the perſon or perſons ſo informed againſt at a certain day and place within the limits of the county or corporation, wherein the ſaid offence ſhall be committed, to appear before ſuch juſtices of the peace or chief magiſtrate reſpectively, to anſwer the ſaid complaint; at which time and place the ſaid juſtice of the peace or chief magiſtrate reſpectively ſhall in the preſence of the perſon or perſons accuſed, or in caſe of his or her neglect to appear, being duly ſummoned, proceed to the examination of the ſaid matter; and if it ſhall appear to ſuch juſtice of the peace or chief magiſtrate reſpectively on evidence upon oath of one or more credible witneſs or witneſſes, that the ſaid perſon or perſons are guilty of the ſaid offences, or any of them, the ſaid juſtice of the peace or chief magiſtrate reſpectively ſhall by warrant under their reſpective hands and ſeals levy the ſaid reſpective forfeitures: and if the ſaid piece of cloath or linnen yarn cannot be found, then the ſaid juſtice of the peace or chief magiſtrate ſhall levy the value of ten ſhillings for each piece of cloath or hank of linnen yarn, made or ſold contrary to the meaning hereof, on the goods and chattles of the perſon or perſons offending, by diſtreſs, ſale, or otherwiſe, and diſpoſe of the ſaid forfeiture or penalty to the informer or informers; and for default of ſuch diſtreſs to be had and taken, that then every ſuch offender, being above the age of ſixteen years, ſhall by warrant under the hand and ſeal of ſuch juſtice of the peace or chief magiſtrate be publickly ſet in the ſtocks in the next market-town on the market-day in the time of high-market for the ſpace of four hours.

III. Be it further enacted, That if any action or ſuit ſhall be commenced or brought againſt any juſtice of the peace or chief magiſtrate, conſtable, or other officer or perſon whatſoever, for doing or cauſing to be done any thing in purſuance hereof, the defendant in ſuch action may plead the general iſſue, and give the ſpecial matter in evidence; and if upon ſuch action verdict be given for the defendant, or the plaintiff become non-ſuit, or diſcontinue his action, then the defendant ſhall have treble coſts.

IV. And be it further enacted, That no perſon ſhall be proſecuted or troubled for or by reaſon of the ſaid frauds and abuſes, unleſs the ſame be proved or proſecuted within thirty days next after the ſale or expoſing to ſale of ſuch fraudulent and corrupt linnen yarn or cloath, not made according to the rules aforeſaid.

V. And be it further enacted, That from and after the firſt day of Auguſt one thouſand ſeven hundred and five there ſhall be paid no duty whatever to her Majeſty, her heirs and ſucceſſors, for or on account of the exporting of any flaxen or hempen cloath made or manufactured within this kingdom.

VI. And be it further enacted, That every linnen weaver, being a Proteſtant, having ſerved his apprenticeſhip to the ſaid trade for the ſpace of five years, and being ſet up for himſelf, and keeping one loom or more conſtantly employed in the linnen manufacture, ſhall be exempted from being petty conſtable or church-warden, or ſideſman for the term of ſeven years from the time of his firſt ſetting up, and be alſo a freeman of the city or town corporate wherein he ſhall ſet up his trade, during his reſidence and following the ſaid trade therein; and be alſo exempted from ſerving on juries at aſſizes or ſeſſions.

VII. Provided nevertheleſs, and it is the true intent and meaning hereof, That no Proteſtant weaver as aforeſaid ſhall be intitled to enjoy the aforeſaid privileges and immunities, unleſs he ſhall have ſerved five years apprenticeſhip to the ſaid

trade, and worked two years after at the ſame as a journeyman, except ſuch as ſhall be actually maſter workman, or have paſſed their times of apprenticeſhip before the commencement of this act.

VIII. And be it further enacted, That the like privileges and immunities ſhall extend to all foreigners maſter workmen, being Proteſtants, as are now or ſhall hereafter come into this kingdom and ſet up looms, and work at the linnen trade; and that no toll ſhall during the continuance of this act be paid or payable for any linnen cloath, linnen yarn, or for hemp or flax ſold in any market or fair, or the paſſage of them or any of them over any bridge, or through any town or other place whatſoever; and alſo that from and after the firſt day of May, which ſhall be in the year of our Lord God one thouſand ſeven hundred and ſix, there ſhall be paid in this kingdom half the tythe of hemp or flax or the twentieth part thereof only for and during the term of three years, and no longer.

IX. Provided always, and be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for every trader, dealer, and weaver of the linnen manufacture to weave his name or fix ſome known mark to any piece of linnen, if he ſhall ſo think fit: and if any other perſon ſhall counterfeit the ſaid mark or name, being lawfully convict thereof upon oath of one or more credible witneſs or witneſſes before any two juſtices of the peace, he ſhall forfeit the ſum of ten pounds; the one moiety thereof to the informer, and the other moiety to the poor of the pariſh where ſuch offence ſhall be committed; the ſame to be levied by diſtreſs and ſale of the goods of the perſon offending herein, upon and after ſuch conviction as aforeſaid, by virtue of the warrant of ſuch juſtices of the peace before whom ſuch conviction ſhall be made.

X. And foraſmuch as foreign pot-aſhes and wood-aſhes are abſolutely neceſſary for the carrying on of the linnen manufacture in this kingdom; yet by reaſon of the exceſſive duty which heretofore has been laid on the ſaid foreign aſhes, merchants and dealers therein are greatly diſcouraged and in great meaſure prevented from importing the ſame into this kingdom: be it enacted, That from and after the firſt day of Auguſt one thouſand ſeven hundred and five, no duty ſhall be demanded, levied, or raiſed for or by reaſon of the importing of ſuch foreign pot-aſhes or wood-aſhes; and likewiſe of all Holland flax-ſeeds, or of Ruſſia or Muſcovia flax-ſeed, or hemp-ſeed; or for any loom or looms to the uſe and behoof of her Majeſty, her heirs and ſucceſſors; but that the ſame ſhall and may be from thenceforth freely imported into any parts of this kingdom duty free; any law, ſtatute, or cuſtom, to the contrary notwithſtanding.

XI. And be it further enacted, That no perſon or perſons ſhall make uſe of any lime in the whitening or bleaching any linnen cloath or linnen yarn; the offender to forfeit the ſum of five pounds, and the cloath or yarn ſo whitened with lime, to the informer; to be levied and recovered in manner as before is limitted and appointed for the recovery of the pains and penalties inflicted on ſuch as counterfeit the name or mark of the traders, dealers, and weavers.

XII. And be it further enacted, That all linnen cloath ſold in this kingdom ſhall be meaſured by the yard containing thirty ſix inches, excepting fine linnen cloath made in imitation of holland, which ſhall be meaſured and ſold by the ell containing forty five inches.

CHAP.

CHAP. V.

An act for relief of creditors againſt fraudulent devices.

3 W. & M. c. 14 Eng.

WHEREAS it is not reaſonable or juſt, that by the practice or contrivance of any debtors their creditors ſhould be defrauded of their juſt debts; and nevertheleſs it hath often ſo happened, that where ſeveral perſons, having by bonds or other ſpecialties bound themſelves and their heirs, and have afterwards died ſeized in fee-ſimple of and in mannors, meſſuages, lands, tenements, and hereditaments, or had power or authority to diſpoſe of or charge the ſame by their wills or teſtaments, have (to the defrauding of ſuch their creditors by their laſt will or teſtament) deviſed the ſame, or diſpoſed thereof in ſuch manner as ſuch creditors have loſt their ſaid debts: for remedy of which, and for the maintenance of juſt and upright dealing, be it enacted and declared by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by authority of the ſame, That all wills and teſtaments, limitations, diſpoſitions, or appointments of or concerning any mannors, meſſuages, lands, tenements, or hereditaments, or of any rent, profit, term, or charge out of the ſame, whereof any perſon or perſons at the time of his, her, or their deceaſe ſhall be ſeized in fee-ſimple, in poſſeſſion, reverſion, or remainder, or have power to diſpoſe of the ſame by his, her, or their laſt wills or teſtaments, to be made after the firſt day of Auguſt in the year of our Lord one thouſand ſeven hundred and five, ſhall be deemed and taken (only as againſt ſuch creditor or creditors as aforeſaid, his, her, and their heirs, ſucceſſors, executors, adminiſtrators, and aſſigns, and every of them) to be fraudulent, and clearly, abſolutely, and utterly void, fruſtrate, and of none effect; any pretence, colour, feigned or preſumed conſideration, or any other matter or thing, to the contrary notwithſtanding.

Wills, diſpoſitions and appointments of lands, &c. of which diviſor ſeized in fee, or having power to diſpoſe thereof by will, void as againſt creditors by bond or ſpecialty.

II. And for the means that ſuch creditors may be enabled to recover their ſaid debts; be it further enacted by the authority aforeſaid, That in the caſes before mentioned every ſuch creditor ſhall and may have and maintain his, her, and their action and actions of debt upon his, her, and their ſaid bonds and ſpecialties, againſt the heir and heirs at law of ſuch obligor or obligors, and ſuch deviſee and deviſees jointly, by vertue of this act; and ſuch deviſee or deviſees ſhall be liable and chargeable for a falſe plea, by him or them pleaded, in the ſame manner as any heir ſhould have been for any falſe plea by him pleaded, or for not confeſſing the lands or tenements to him deſcended.

Such creditors may have *Debt* againſt heirs and deviſees jointly. 8 G 1. 14.

Deviſees liable for falſe plea as any heir.

III. Pro-

III. Provided always, and be it enacted by the authority aforeſaid, That where there hath been or ſhall be any limitation or appointment, deviſe, or diſpoſition of or concerning any mannors, meſſuages, lands, tenements or hereditaments, for the raiſing or payment of any real or juſt debt or debts, or any portion or portions, ſum or ſums of money, for any child or children of any perſon, other than the heir at law, according to or in purſuance of any marriage contract, or agreement in writing, *bona fide* made before ſuch marriage, the ſame, and every of them, ſhall be in full force; and the ſame mannors, meſſuages, lands, tenements, and hereditaments ſhall and may be holden and enjoyed by every ſuch perſon or perſons, his, her, and their heirs, executors, adminiſtrators, and aſſigns, for whom the ſaid limitation, appointment, deviſe, or diſpoſition was made; and by his, her, and their truſtee or truſtees, his, her, and their heirs, executors, adminiſtrators and aſſigns, for ſuch eſtate or intereſt as ſhall be ſo limited or appointed, deviſed, or diſpoſed, until ſuch debt or debts, portion or portions ſhall be raiſed, paid, and ſatisfied; any thing in this act contained to the contrary notwithſtanding.

Deviſees for payment of juſt debts or children's portions (except heir at law) in purſuance of writing before marriage, ſhall be in force.

IV. And whereas ſeveral perſons, being heirs at law, to avoid the payment of ſuch juſt debts, as in regard of the lands, tenements, or hereditaments deſcending to them, they have by law been liable to pay, have ſold, aliened, or made over ſuch lands, tenements, or hereditaments, before any proceſs was or could be iſſued out againſt them; be it further enacted by the authority aforeſaid, That in all caſes, where any heir at law ſhall be liable to pay the debt of his anceſtor, in regard of any lands, tenements, or hereditaments deſcending to him, and ſhall ſell, alien, or make over the ſame before any action brought, or proceſs ſued out againſt him; that ſuch heir at law ſhall be anſwerable for ſuch debt or debts, in any action or actions of debt, to the value of the ſaid land ſo by him ſold, aliened, or made over; in which caſes all creditors ſhall be preferred, as in actions againſt executors and adminiſtrators: and ſuch execution ſhall be taken out upon any judgment or judgments, ſo obtained againſt ſuch heir to the value of the ſaid land, as if the ſame were his own proper debt or debts; ſaving that the lands, tenements, and hereditaments, *bona fide* aliened before the action brought, ſhall not be liable to ſuch execution.

Heir aliening before action, anſwerable to value of land deſcended.

All creditors preferred as in actions againſt executors,

Execution againſt heir, as if his own debt.

Saving lands *bona fide* aliened before action.

V. Provided always, and be it further enacted by the authority aforeſaid, That where any action of debt upon any ſpecialty is brought againſt any heir, he may plead *riens per diſcent* at the time of the original writ brought, or the bill filed againſt him;

If on *riens per deſcent* pleaded, judgment for plaintiff, jury ſhall inquire the value.

A. D. 1705. any thing herein contained to the contrary notwithſtanding: and the plaintiff in ſuch action may reply, that he had lands, tenements, or heretitaments, from his anceſtors before the original writ brought, or bill filed; and if upon iſſue joined thereupon it be found for the plaintiff, the jury ſhall inquire of the value of the lands, tenements, or hereditaments ſo deſcended, and thereupon judgment ſhall be given, and execution ſhall be awarded, as aforeſaid; but if judgment be given againſt ſuch heir by confeſſion of the action, without confeſſing the aſſets deſcended, or upon demurrer, or *nihil dicit*, it ſhall be for the debt and damages without any writ to inquire of the lands, tenements, or hereditaments ſo deſcended.

Not if judgment againſt heir by confeſſion of the action, &c.

VI. Provided alſo, and be it further enacted, That all and every deviſee and deviſees, made liable by this act, ſhall be liable and chargeable in the ſame manner as the heir at law by force of this act, notwithſtanding the lands, tenements, and hereditaments to him or them deviſed ſhall be aliened before the action brought.

Deviſee chargeable, as the heir, tho' the lands aliened before action.

CHAP. VI.

An Act to prevent the illegal raiſing of money by grand juries, and the miſapplying of money legally raiſed: and for the better execution of an act for the mending the high-ways by ſix days labour: and for the appointing overſeers of the high-ways by the juſtices at their ſeſſions, in default of naming them by the reſpective pariſhes.

6 *G.* 1. 10. WHEREAS it hath been of late years the practice of evil perſons, who have regard more to their own private advantage than to the benefit of the publick, to procure preſentments to be made by grand juries at aſſizes and general quarter-ſeſſions of the peace, for raiſing money for ſuch uſes as by the laws of this kingdom are not at all warrantable: and whereas others, to cover ſuch their evil intent, have in like manner procured large preſentments to be made for ſuch uſes, as by the laws of this land were warrantable, yet have applied to the ſaid uſes but a ſmall part of the money, and have diverted the remainder to other uſes no way warranted by law: be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in parliament aſſembled, and by the authority of the ſame, That from and after the end of this preſent ſeſſion of Parliament, no grand jury within any county, or county of a town or city, within this king-

No grand jury to preſent money for uſes not allowed by law, or herein after contained,

dom,

dom, do or ſhall preſent any ſum of money to be raiſed upon ſuch county, town, or city, or upon any barony or pariſh within the ſame, for any uſes other than what are appointed and allowed by the laws of this land, or herein after contained: and that no judge of aſſize or juſtice of the peace in their quarter-ſeſſions, nor ſheriff or ſeneſchals in their reſpective courts, do or ſhall paſs, allow, or confirm any ſuch preſentment; and that every grand-juryman who ſhall preſent any money to be raiſed, ſhall ſign his name to every ſuch preſentment; and the ſeveral juſtices of the peace, ſheriffs, and ſeneſchals confirming ſuch preſentments, ſhall ſign his name to the order for confirmation thereof, otherwiſe ſuch preſentment and order are hereby declared to be void.

A. D. 1705. Chap. 6.

nor ſuch preſentments confirmed.

Every grand jury man to ſign his name to preſentment.

Juſtices, *&c.* confirming, to ſign their names to the order.

Otherwiſe void.

II. Provided nevertheleſs, That it ſhall and may be lawful to and for the ſaid grand-juries to make preſentments, and for the judges, juſtices, ſheriffs, and ſeneſchals to confirm the ſame, for the raiſing of ſuch ſums of money as ſhall be neceſſary for the building and repairing of ſeſſion-houſes, and for the repairing and ſtrengthening of goals, and for bolts or ſhackles, ſtocks, whipping-poſts, ducking-ſtools, pillories, and pariſh-pounds, as ſhall be neceſſary for the ſaid ſeveral uſes and purpoſes; as alſo for conveying of any perſon or perſons accuſed for any treaſon or felony to the county goal, being twenty miles diſtance or upwards, ſo as the ſame do not exceed one penny *per* mile; as alſo ſuch ſums as by the ſaid judge or judges ſhall be thought neceſſary for the deſtroying of wolves, kites, and foxes, and for the recovering of publick money in the hands of the collectors and receivers thereof, their executors, adminiſtrators, and ſureties.

Preſentments may be for building and repairing ſeſſion-houſe, ſtrengthening goals, for bolts, *&c.*

For conveying priſoners for treaſon or felony to goal, 20 miles or upwards, ſo as not above one penny *per* mile,

for deſtroying wolves, kites and foxes,

and recovering publick money in hands of collectors,

III. And for the preventing the miſapplying of money legally raiſed, either in the whole or in part, to other uſes than for which the ſame was raiſed, be it further enacted by the authority aforeſaid, That from and after the end of this preſent ſeſſion of Parliament no money, legally raiſed by preſentment, be applied to any other uſe than for what the ſame was raiſed; and that if any perſon, who ſhall be appointed in the ſaid preſentment and order thereon to be either the collector, the receiver, or the diſtributer of the money thereby raiſed, ſhall not at the next general aſſizes or quarter-ſeſſions of the peace of the ſaid county, or in a reaſonable time, to be by them reſpectively appointed, make appear in his account with good vouchers, that the money by him ſo raiſed or received ſhall have been expended and laid out purſuant to the ſaid preſentment to the uſe of the ſaid county, he ſhall ſtill ſtand and be chargeable with the ſame: and that every perſon and perſons accountable for any publick money ſhall (when thereunto required by the juſtices of the peace at their general quarter-ſeſſions,

the money not to be applied to other uſe.

Receivers thereof chargeable till account.

or

A. D. 1705. Chap. 6.

or by the judge and judges of aſſize at their general goal-delivery) make his and their account and accounts on oath at each general quarter-ſeſſions, or aſſizes and general goal-delivery: and if ſuch accomptant or accomptants ſhall refuſe and neglect to make a fair and juſt account of all ſuch publick money, or ſhall upon ſuch account be found to have ſuch money, or any part, remaining in his hands, then and in ſuch caſe ſuch accomptant and accomptants ſhall forthwith pay ſuch money into the hands of ſuch perſon or perſons, as ſhall by ſuch reſpective grand jury and juſtices of the peace, or juſtice or juſtices of aſſize and general goal-delivery be preſented and ordered for the uſe of ſuch county, city, or town where ſuch publick money ſhall be raiſed; and in default thereof ſuch perſon and perſons ſo accountable ſhall by ſuch juſtices of the peace at their ſaid ſeſſions, or juſtice or juſtices of aſſize and general goal-delivery at their reſpective aſſizes, be committed to the common goal of ſuch county, city, or town in execution, there to remain without bail or mainprize until ſuch account ſhall be made and ballance paid.

And on default of account on oath, when required at ſeſſions or aſſizes committed till account made and ballance paid.

No ſum above twenty pound in the whole to be raiſed at one ſeſſions, except for taking tories, or repairing bridges.

IV. And be it enacted by the authority aforeſaid, That no ſum or ſums of money ſhall be raiſed at any quarter-ſeſſions in this kingdom for any publick work, or on any account whatſoever, (except for taking, convicting, or killing robbers, tories, or rapparees, purſuant to the acts made in this kingdom, or for repairing or ſupporting bridges already built and erected) exceeding the ſum of twenty pounds in the whole at one ſuch general quarter-ſeſſions of the peace.

Not to extend to Dublin, or the county.

V. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to the county of the city of Dublin, or to the county of Dublin; or to hinder or reſtrain the raiſing of money by the grand juries of the ſaid county of the city, or at the ſaid county, in ſuch manner as the ſame may be raiſed at the aſſizes in other counties in this kingdom.

11 12 & 13 *J.* 1. 7. The penalty on ſix days labour ſo ſmall, and conviction ſo chargeable that offenders eſcape:

VI. And whereas a good law in force in this kingdom, for mending of the high ways by the ſix days labour, is for the moſt part ineffectual, by reaſon the penalty for neglecting the ſame, which is very ſmall, cannot be impoſed but after conviction upon preſentment or indictment; which being ſo very chargeable, ſuch offenders do for the moſt part eſcape proſecution, and the publick high ways continue neglected; be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful for any two juſtices of the peace of every county in this kingdom, living in the ſame barony, or the adjacent barony, where the offence is committed, to hear and determine ſummarily the offences againſt the ſaid law; and that the ſaid juſtices by warrant under their hands and ſeals ſhall and may levy the penalties in the ſaid law

Two juſtices in the ſame or adjacent barony may ſummarily determine offences againſt ſaid act,

impoſed

impoſed by diſtreſs and ſale of the goods of ſuch offenders: the ſaid penalties to be applied to the repair of the ſaid high ways, and the overplus to be reſtored to the owner; and ſuch juſtices are to account for what they ſhall ſo levy at the next aſſizes to be held for that county. A. D. 1705.

and levy the penalties by diſtreſs and ſale,

apply to the high ways, and account next aſſizes.

VII. And whereas the chuſing of the overſeers, in the ſaid recited act required, is often neglected by ſeveral pariſhes, to the damage of the high ways in ſuch pariſhes for ſuch year; be it therefore enacted, That in caſe any pariſh do neglect the chuſing and appointing ſuch overſeers, as by the ſaid law they are directed to do, every ſuch pariſh ſhall and may be proſecuted by preſentment at the next following ſeſſions for ſuch neglect; and that at the ſaid ſeſſions ſuch overſeers may be appointed for the ſaid year, as by the ſaid pariſh ought to have been appointed, who ſhall have the ſame power as if they had been choſen purſuant to the former act.

Pariſhes neglecting to appoint overſeers, may be proſecuted next ſeſſions and overſeers appointed for ſaid year. 1 *G.* 2. 13. 33 *G.* 2. 8.

VIII. Provided nevertheleſs, That no preſentment in the Queen's-bench for raiſing of money ſhall be confirmed until the ſixth day of the term next following ſuch preſentment, and ſhall be poſted up in the ſaid court the firſt five days of the ſaid following term, to the end that all perſons concerned may have notice thereof, and object againſt or traverſe the ſame, as they ſhall think convenient.

No preſentment in B. R. confirmed till 6th day of next term, and poſted up the firſt five days.

CHAP. VII.

An Act for leſſening the duty of rape-ſeed to be exported.

WHEREAS it is found by experience, that the planting of rape-ſeed contributes very much to the improvement of the unprofitable and boggy parts of this kingdom; and that the great duty laid on rape-ſeed exported is a great diſcouragement to the planting or ſowing the ſame: for remedy thereof, be it enacted by the queen's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of June in the year of our Lord God one thouſand ſeven hundred and five there ſhall be paid to her Majeſty, her heirs and ſucceſſors, for rape-ſeed to be exported the duties following, and no other; (that is to ſay) for every quarter of rape-ſeed containing eight buſhels in the quarter, to be exported out of this kingdom from and after the ſaid firſt day of June in the year of our Lord God one thouſand ſeven hundred and five, the ſum of ſix pence for cuſtom, and no more; and ſo proportionably for a greater or leſſer quantity.

The great duty on rape-ſeed exported a diſcouragement to planting thereof.

Only 6d. cuſtom to be paid *per* quarter, containing eight buſhels.

A. D. 1705.

II. And be it further enacted, That no more duty be taken for any rape-oyle made in this kingdom, which ſhall after the ſaid firſt day of June be exported out of this kingdom, than four ſhillings *per* tun; and ſo *pro rata*.

Four ſhillings *per* tun for rape oil, to be levied as by 14 & 15 *C.* 2. 9.

III. And be it further enacted, That all and ſingular the duties and ſums, by this act directed to be paid and taken, ſhall be paid, collected, levied, and received by the ſame perſons, and by ſuch ways and means, and in the ſame manner, and under ſuch penalties, proviſoes, reſtrictions, and regulations, as in and by one act made in the fourteenth and fifteenth years of his late Majeſty King Charles the ſecond, intituled, *An Act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors; the ſame to be paid upon merchandizes imported and exported into or out of this kingdom, according to a book of rates hereunto annexed*, are directed and appointed for the paying, collecting, levying, and receiving the duties ſettled and granted by the ſaid act.

to continue three years, &c. 6 *Anne* 12. made perpetual.

IV. Provided always, That this act ſhall continue and remain in force for three years, to commence and be computed from the ſaid firſt day of June one thouſand ſeven hundred and five, and until the end of the next ſeſſion of Parliament next after the expiration of the ſaid three years, and no longer.

CHAP. VIII.

An Act to regulate the taking and exacting tolls throughout this kingdom; and to prevent ingroſſing coals in the city of Dublin.

WHEREAS the exacting and receiving toll for any ſort of goods or cattle droven or carried through any city, corporation, market-town, or other place within this realm, where ſuch city, corporate or market-town at their own coſts and charges do not keep up and repair ſome publick bridge or bridges, over which ſuch goods or cattle ſhall be droven or carried, is greatly prejudicial to the ſubjects of this realm, and a diſcouragement to trade in general: for remedy whereof, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June, in the year of our Lord one thouſand ſeven hundred and five, no toll ſhall be demanded or received by any body politick or corporate, or other perſon or perſons, for any cattle, goods, or merchandizes whatſoever, that ſhall be droven or carried into or through any city, borough, market

No toll for cattle or merchandize carried into or through any place where not ſold, conſumed or ſlaughtered.

town,

town, or other place where the ſame ſhall not be ſold, conſumed, or ſlaughtered.

But where carried over any bridge no reaſonable toll may be taken as before, by perſon obliged at his own coſts to keep it in repair.

II. Provided always, That where any perſon or perſons, or bodies politick, heretofore lawfully could demand or take any toll for any cattle or other goods driven or carried over any bridge or bridges for or in reſpect of ſuch perſon or perſons, or body politick being obliged at his or their own coſts and charges, and not at the coſts and charges of any county, county of a city, or county of a town, to keep ſuch bridge or bridges in repair; that in ſuch caſe ſuch perſon or perſons, or body politick, may receive and take ſuch reaſonable toll for ſuch cattle or goods driven or carried over ſuch bridges, as he or they might have done by law before the paſſing of this act, and not otherwiſe.

Cattle unſold at fair or market may be carried away without paying toll.

III. And be it further enacted by the authority aforeſaid, That in all caſes where any cattle ſhall remain unſold at any fair or market, that it ſhall be lawful for the owners or drivers thereof to carry away ſuch cattle as ſhall remain unſold, without paying any toll whatſoever for the ſame.

Penalty for demanding toll contrary to this act,

first offence 10 s.

before a juſtice in ſix days.

afterwards five pounds.

to party injured and the poor.

IV. And be it further enacted by the authority aforeſaid, That in caſe any body politick or corporate, or other perſon or perſons whatſoever, ſhall preſume to take, demand, or collect any toll contrary to this act; that every ſuch offender ſhall forfeit for the firſt offence the ſum of ten ſhillings, to be demanded before a juſtice of the peace within ſix days after ſuch offence committed; and for the ſecond and every other offence, after conviction, the ſum of five pounds, to be demanded alſo within the time aforeſaid; one moiety thereof to the party injured, and the other moiety to the uſe of the poor of the pariſh, wherein ſuch offender ſhall be committed; to be recovered by diſtreſs and ſale of the offenders goods, on conviction before any one or more juſtice of the peace of the county, wherein ſuch offence ſhall be committed, by confeſſion of the party offending, or by oath of two credible witneſſes to be taken before ſuch juſtice of the peace, who is hereby impowered and required to adminiſter ſuch oath, and to hear and determine ſuch complaints: and in caſe any juſtice of the peace, to whom ſuch complaints ſhall be made as aforeſaid, ſhall refuſe or wilfully neglect to put this act in execution according to the true intent and meaning thereof, every ſuch juſtice of the peace ſhall for every ſuch neglect or refuſal forfeit the ſum of twenty pounds; the one moiety thereof to be to her Majeſty, her heirs and ſucceſſors, and the other moiety to the party grieved; to be recovered by bill, plaint, or information, in any of her Majeſty's courts of record; in which no eſſoign, privilege, or protection, nor any more than one imparlance ſhall be allowed.

Penalty on juſtice neglecting, 20 l.

V. And

A. D. 1705. Chap. 8.

V. And for preventing all frauds and deceits that may be committed by ſuch perſons, who ſhall drive or carry away cattle, goods, or merchandize into any city, borough, or town corporate, and ſhall there refuſe to pay the accuſtomed toll, under pretence that ſuch cattle, goods, or merchandizes are only to be droven through ſuch city, borough, or town corporate, and ſhall after ſell or diſpoſe of all or any part of ſuch cattle, goods, or merchandizes in ſuch city, borough, or town corporate; be it enacted by the authority aforeſaid, That every ſuch perſon or perſons, who ſhall offend therein, ſhall for the firſt offence forfeit ten ſhillings, being duly convicted thereof before any one juſtice of the peace or chief magiſtrate of ſuch city, town, or borough, wherein ſuch offence ſhall be committed; and for every ſecond and other offence, that ſhall be committed after ſuch conviction as aforeſaid, the party ſo offending ſhall forfeit the ſum of five pounds, to be recovered and levied as aforeſaid.

If accuſtomed toll refuſed on pretence that the cattle or goods are only to go through, and any part afterwards ſold there,

Penalty as before.

11 *Anne.* 4. 6 *G.* 1. 2. 1 *G.* 2. 21. 21 *G.* 2. 7. 31 *G.* 2. 15. 2 *G.* 3. 10, & 17.

VI. And whereas the prices of coals have hitherto been unreaſonably enhanced, not only by a fraudulent practice uſed by the owners of gabbarts and lighters, who by combination with the maſters of coal ſhips keep and detain great quantities of coals in ſuch gabbarts and lighters till the prices of ſuch coals are advanced; but alſo by ſeveral perſons buying up and engroſſing great quantities of coals, and afterwards ſelling the ſame at exceſſive rates, to the great prejudice of the poor in the ſaid city; for remedy whereof, and for the better preventing the ſame or the like evil practices for the future; be it enacted by the authority aforeſaid, That no owner or keeper of any gabbart or lighter within the port of Dublin ſhall keep on board his or their gabbarts or lighters any coals for any longer time than eight days at fartheſt; and that every ſuch owner or maſter of ſuch gabbarts or lighters ſhall hire out the ſame by the day, and not by the month, or in any other manner than as aforeſaid, under the penalty of forfeiting for every ſuch offence the ſum of forty ſhillings, to be recovered before the lord mayor of the city of Dublin for the time being, on conviction of the party offending by the oath of one or more credible witneſſes; one moiety thereof to the informer, the other moiety to the poor of the pariſh, where ſuch offence ſhall be committed; the ſame to be levied by ſale and diſtreſs of the offenders goods, by the warrant of the lord mayor of the ſaid city for the time being.

Price of coals enhanced by fraudulent practices.

Coals not to be kept in lighters longer than eight days.

Repealed 11 *Anne* 4. *expired.*

Altered 6 *G.* 1. 2, *&c.*

Lighters to be hired out by the day.

Penalty 40 s. before lord mayor to the poor and informer.

VII. And for the more effectual ſuppreſſing the fraudulent practices aforeſaid; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord mayor of the ſaid city to cauſe all or any of the gabbarts, that ſhall be laden with coals

Lord mayor may bring ſaid gabbarts to publick quay, open, and ſell the coals at firſt price.

coals, to be opened and brought up to the publick quay, there to be ſold at the faireſt price that can be had for ſuch coals. A. D. 1705. Chap. 8.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord mayor, recorder, and ſix ſenior aldermen of the city of Dublin, and the miniſter and church-wardens of the pariſh where the ſaid coals are, or any four of them, whereof the lord mayor, recorder, or one of the ſaid aldermen to be one, at any time of the day as they ſhall think convenient, to enter and go into the cellars, ſtore-houſes, yards, or other places, where any perſon or perſons have bought or laid up, or ſhall at any time hereafter buy or lay up, any quantities of coals, in order to be put to ſale by retail or otherwiſe, and to view the ſame; and to order and direct the ſame to be expoſed to ſale at ſuch rates and prices, as they or the major part of them ſhall think fit and convenient.

And with recorder, ſix aldermen, &c. go in day time into cellars or yards where coals laid up in any quantities for ſale, and ſell as they think fit.

IX. And for the more effectual execution thereof, be it enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall refuſe entrance, or not obey the orders and directions of the ſaid lord mayor, and recorder, and aldermen, miniſter, and church-wardens, or any ſuch four of them, in and about the premiſſes as aforeſaid, ſuch perſon or perſons ſhall forfeit for every ſuch offence the ſum of five pounds; the one moiety to the poor of the pariſh, where the offence ſhall be committed, the other moiety to the proſecutor; to be recovered before the ſaid lord mayor, recorder, or any two juſtices of the peace of the ſaid city, in the preſence of the party, or in his abſence, he being firſt duly ſummoned to appear: and in caſe any perſon or perſons ſhall refuſe to ſell ſuch coals at the rates thereon ſet by the lord mayor, recorder, and juſtices of the peace, or the major part of them, then ſuch coals ſhall be ſold at the ſaid rates by ſuch perſon and perſons as the lord mayor, recorder, and juſtices, or the major part of them, ſhall appoint; the money to be paid to the owner of ſuch coals, or in his abſence to thoſe impowered by him; which ſale ſhall be good and effectual in the law to all intents and purpoſes whatſoever.

Penalty on refuſing entrance, or not obeying ſaid directions, 5 l. to the poor and proſecutor.

On refuſing to ſell at ſaid rates, lord mayor, &c. may appoint any perſons to ſell, and pay the money to owner, which ſale ſhall be good.

X. Provided nevertheleſs, That if any perſon or perſons ſhall think him or themſelves aggrieved by the price of coals to be ſet as aforeſaid, he or they may appeal to the chief governor or governors and council of this kingdom for the time being, who are hereby impowered fully and effectually to redreſs the ſame as they ſhall think fit. This act to continue in force for five years, and from thence to the end of the then next ſeſſion of Parliament and no longer

But appeal lies to chief governors and council.

To continue five years, &c. 6 *Anne* 12. *made perpetual.*

A. D. 1705.

CHAP. IX.

An Act for explaining and putting in execution an act for planting and preſerving timber-trees and woods; and for explaining and putting in execution an act to avoid and prevent divers miſdemeanors in idle and lewd perſons in barking of trees.

Recital of 10 *Wil.* 3. 12. (*ſeveral clauſes of which ſtat. are repealed* 8 *G.* 1. 8.)

WHEREAS by an act of Parliament paſſed in this kingdom in the tenth year of the reign of our late ſovereign Lord King William the third of glorious memory, intituled, *An act for planting and preſerving timber-trees and woods*; it is enacted,

2 *Anne* 2. 9 *Anne* 5. 8 *G.* 1. 8.

"That all and every perſon or perſons being a reſident or reſidents within this "kingdom, and who having any eſtate of freehold or inheritance therein, kept or "employed under his or their ſtock to the value of ten pounds by the year; and "every tenant for years, who has eleven years of his or her term unexpired, and "who pays ten pound by the year, or more, ſhall from and after the five and twen-"tieth of March one thouſand ſeven hundred and three plant yearly and every year, "during the term of one and thirty years, ten plants of four years growth or more:" be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by authority of the ſame, That ſuch perſon or perſons, that hath or holdeth thirty acres of land or more in manner aforeſaid, ſhall be obliged to plant ten trees of oak, firr, elm, aſh, walnut, poplar, abele or alder yearly, of the age aforeſaid, and no other perſon or perſons whatſoever.

Perſons holding thirty acres, as by that act, obliged to plant ſuch trees, and no other perſon.

II. And be it further enacted by the authority aforeſaid, That the planting of the ten trees yearly in manner aforeſaid, or the planting of any part, proportion, or number of the two hundred and ſixty thouſand ſix hundred trees, required to be yearly planted by the aforeſaid act, ſhall not extend to the county of the city of Dublin, or to the city and ſuburbs of Londonderry; or to oblige any perſon or perſons to plant any land ſituate within the ſaid cities, or within one mile of either of them, or within one mile of any other city or town corporate; any thing in the aforeſaid act to the contrary in any wiſe notwithſtanding.

Said act not to extend to oblige perſons to plant within a mile of a city or corporation.

III. And whereas by reaſon of the ſhortneſs of the time allowed for the planting of the ſeveral numbers of trees required by the ſaid former act, ſeveral penalties and forfeitures are already incurred: be it therefore further enacted by the authority aforeſaid, That all penalties and forfeitures already incurred by any perſon or perſons, bodies politick and corporate, for not planting any ſort, number, or quantity of trees required by the aforeſaid act, be remitted, and by vertue of this preſent act are remitted and diſcharged.

Penalties incurred by ſaid act, remitted.

IV. And be it further enacted, That every perſon or perſons, that are obliged by the aforeſaid act to plant any number or quantity of trees, which they have not already planted, and are not exempted from planting by this preſent act, ſhall have further time till the five and twentieth day of March one thouſand ſeven hundred and eight for the planting the ſame, within which time they ſhall plant the ſame, on pain to forfeit as by the ſaid former act they were to forfeit.

Further time for planting to perſons not exempted by this act.

V. And whereas by the aforeſaid act the two hundred and ſixty thouſand ſix hundred trees to be yearly planted in the ſeveral counties of this kingdom are to be oak, elm, or firr: be it enacted by the authority aforeſaid, That they may be oak, elm, firr, or aſh; any thing in the aforeſaid act to the contrary in any wiſe notwithſtanding.

The 260600 trees may be oak, elm, fir, or aſh.

VI. And

VI. And be it further enacted by the authority aforeſaid, That any perſon or perſons, that hath land in ſeveral pariſhes in any county in this kingdom, may at his or their diſcretion plant all the trees, he or they are obliged to plant by the aforeſaid act, in any one pariſh in the county; and on certificate filed with the clerk of the peace that he or they have planted the full number of trees, that he or they were obliged to plant within the ſaid county, he or they ſhall not be liable to any penalty or forfeiture for not planting in the ſeveral pariſhes, according to the return made by the miniſter and church-wardens in the reſpective pariſhes; any thing in the aforeſaid act to the contrary in any wiſe notwithſtanding: and that every perſon or perſons, that ſhall neglect to plant the full number of trees, that he or they are obliged to plant by the aforeſaid act (except before excepted) at or before the five and twentieth day of March one thouſand ſeven hundred and eight, ſhall forfeit and pay two pence *per* tree, and no more, for every tree not planted as aforeſaid; to be levied as by the aforeſaid act it is appointed; any thing in the ſaid act to the contrary in any wiſe notwithſtanding.

Perſons having land in ſeveral pariſhes in any county, may plant all the trees in one.

Penalty for not planting 2 d. *per* tree, as by ſaid act.

VII. And be it further enacted by the authority aforeſaid, That where lands are mountainous, and of a nature that will not nouriſh trees, or ſo very near the ſea-ſide that trees cannot thrive nor grow, that the occupiers of ſuch lands may appeal to the general quarter-ſeſſions of the peace in the reſpective counties; and on proof of the ſame to the grand-jury, and the grand-jury preſenting that ſuch lands are not qualified to bear and nouriſh trees, the occupiers or proprietors of ſuch lands by virtue of ſuch preſentment, to be entered on record in the county-book among the publick preſentments of the county, ſhall be for ever acquitted and diſcharged from any penalty or forfeiture for not planting the number of trees charged upon ſuch lands by the miniſter and church-wardens or veſtry of the pariſh, wherein ſuch lands do lie; any thing in the aforeſaid act to the contrary in any wiſe notwithſtanding.

Lands not fit to nouriſh trees, exempted on appeal to ſeſſions, and on proof, and preſentment by grand-jury.

VIII. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons in the actual poſſeſſion and occupation of the ſeveral lands in this kingdom, whatſoever eſtate ſuch perſon ſhall have in ſuch lands, ſhall be obliged and liable to the planting of ſuch proportion of the ſaid two hundred and ſixty thouſand ſix hundred trees by the former act required to be planted yearly, in ſuch manner and according to ſuch applotment, as hath already been or hereafter ſhall be made upon account of the ſaid former or this preſent act; and that no proceſs ſhall iſſue againſt any perſon or perſons whatſoever for the levying of any penalties to be incurred by virtue of the ſaid former act, or which are herein before mentioned, but againſt ſuch perſons only, as the juſtices of the peace in their general quarter-ſeſſions ſhall in open court order proceſs againſt.

Perſons in actual poſſeſſion obliged to plant, according to applotment.

Proceſs as ordered at ſeſſions.

IX. And whereas great quantities of young trees are daily deſtroyed by the making of gadds and withs, and that it will very much conduce to the incouragement of the iron and hempen manufactures, that gadds and withs be no more uſed in this kingdom: be it therefore further enacted by the authority aforeſaid, That from and after the firſt day of November one thouſand ſeven hundred and ſix no perſon or perſons ſhall make or uſe in plowing, drawing of timber, or other work whatſoever, or in wattling the walls of houſes, or cabbins, or out-buildings, any kind of gadd or gadds, wyth or wyths, of oak, aſh, birch, hazel, or other tree whatſoever; and that any perſon, that ſhall offend herein, and ſhall be thereof convicted at the aſſizes or quarter-

No gads or wyths of any tree to be uſed in plowing, or other work.

9 *Anne* 5.
2 *G.* 1. 16.
8 *G.* 1. 8.
21 *G.* 2. 13.

A. D. 1705. Chap. 9.

seſſions held for that county, ſhall forfeit a ſum not exceeding twenty ſhillings; to be levied by warrant from the reſpective courts, where the matter ſhall be tried or determined; the one moiety whereof to be to the informer, and the other moiety to the poor of the pariſh, where the offence is committed.

Penalty 20 s. to poor and informer.

X. And be it further enacted by the authority aforeſaid, That the aforeſaid act for planting and preſerving timber-trees and woods, ſhall in all points be and remain in full force, except in ſuch caſes where it is otherwiſe appointed by this act.

Said act to be in force, except where altered by this.

10 *C.* 1. 23. ſeſſ. 2 explained.

XI. And for the further and better explanation and execution of one act made in the tenth year of the reign of his late Majeſty King Charles the firſt, intituled, *An act to avoid and prevent divers miſdemeanors in idle and lewd perſons in barking of trees, &c.* be it enacted and declared by the authority aforeſaid, That if any perſon or perſons unlawfully, and without conſent of the owner or owners, poſſeſſor or poſſeſſors, ſhall from and after the firſt day of Auguſt one thouſand ſeven hundred and five take, cut, or ſpoil any kind of wood or underwood, poles, or young trees, clap-boards, barrel-ſtaves, ſhingles, gadds, wyths, wattles, willows, or ſhall dig or pull up any fruit-trees or other trees, or break or cut any hedge, pales, rails, or fence; every ſuch perſon, being lawfully thereof convicted according to the directions of the ſaid former act, ſhall, over and above the ſatisfaction to be made to the party grieved, pay to the poor of the pariſh, where ſuch offence ſhall be committed, ſuch ſum not exceeding ten ſhillings, as ſuch juſtice of the peace or chief magiſtrate ſhall judge meet; to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal of ſuch chief magiſtrate or juſtice of the peace within the limits of their reſpective juriſdictions.

43 *Eliz.* 7. *Eng.*

15 *C.* 2. 2. *Eng.*

Unlawful cutting or ſpoiling wood, under-wood, hedges, *&c.*

Penalty, on conviction as by ſaid *ſtat.* beſides ſatisfaction to party, a ſum not above 10 s. to the poor.

XII. Provided always, That where the ſatisfaction, to be made to ſuch party grieved, ſhall in the judgment of ſuch juſtice of the peace or other chief magiſtrate be judged to amount to more than the ſum of ten ſhillings, every ſuch juſtice of the peace and chief magiſtrate ſhall bind ſuch offender to the next quarter-ſeſſions of the peace to be held for ſuch county, city, town, or place reſpectively, who are hereby impowered to make ſuch order for recompence and ſatisfaction of ſuch party grieved, and payment of ſuch ſum to the poor of the pariſh, as aforeſaid, and for levying them by diſtreſs and ſale of the offenders goods, as they in their diſcretions ſhall think meet: and in caſe ſuch juſtice of the peace or chief magiſtrate ſhall find, that ſuch offender is unable to make ſatisfaction, and pay ſuch ſum to the poor of the pariſh as aforeſaid, or the offender ſhall not pay the

Where ſatisfaction adjudged to amount to more than 10 s. offender bound to next ſeſſions, where order for ſaid penalty to be made,

the ſame, then every ſuch juſtice and chief magiſtrate reſpectively, ſhall for the firſt offence commit ſuch offender to the houſe of correction for any time not exceeding one month, or ſhall order ſuch offender to be publickly whipt by the conſtable or other officer, at the next market-town or place on the next market-day, as to the diſcretion of ſuch juſtice of the peace or chief magiſtrate ſhall reſpectively ſeem moſt convenient: and if ſuch perſon ſhall again offend in any of the premiſſes, being lawfully convicted as aforeſaid, and not making ſatisfaction and payment as aforeſaid, ſuch perſon ſhall be ſent to the houſe of correction and be there kept to hard labour for the ſpace of three months, and alſo publickly whipt as aforeſaid: and every ſuch perſon offending a third time in the premiſſes, and being thereof convicted, and not making payment and ſatisfaction as aforeſaid, ſhall be deemed an incorrigible rogue, and ſhall be ſent to the houſe of correction or work-houſe, and there detained at hard labour for the ſpace of two years.

A. D. 1705. Chap. 9.

on default, to be committed, not above a month, or whipped;

ſecond offence, three months and whipped,

third, two years, and deemed incorrigible rogue.

XIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any conſtable, officer, or other perſon, by warrant of any one juſtice of the peace or chief magiſtrate of any city, town, or place within the limits of their reſpective juriſdictions, to make ſearch in all ſuſpected houſes and places, for any wood, under-wood, poles, trees, clap-boards, barrel-ſtaves, pales, rails, ſtiles, poſts, gates, or for any gadds, wyths, wattles, willows, hedge-wood, bark, rind or coat of any tree, unlawfully come by; or for any wool, thread, yarn, or other matter dyed or coloured with any bark, rind, or coat of any tree, unlawfully barked as aforeſaid: and if ſuch perſon ſhall find any of the premiſſes in the poſſeſſion of any perſon whom he ſhall ſuſpect to have been guilty of the offences aforeſaid, or any of them, he ſhall bring ſuch ſuſpected perſons before any ſuch juſtice of the peace or chief magiſtrate, and ſuch ſuſpected perſon ſhall make proof before ſuch juſtice of the peace or chief magiſtrate to his ſatisfaction, that ſuch trees, timber, timber-wares, wood, and under-wood, and the bark with which ſuch wool, thread, or yarn was reſpectively coloured, were fairly and honeſtly bought by ſuch ſuſpected perſon, or given to him; or in default thereof ſuch ſuſpected perſon ſhall be judged, and deemed, and ſhall ſtand convicted of the breach of this act, and ſhall be ſubject to the ſeveral penalties above inflicted for the firſt, ſecond, and third offences before mentioned, in manner and form herein limitted and expreſſed.

15 C. 2. 2. *Eng.* Any perſon by warrant may ſearch ſuſpected places, and if they find any wood, &c. bark, or wool, thread or yarn dyed therewith, bring the party before a juſtice, to whoſe ſatisfaction he ſhall prove that the ſame were fairly bought or given,

in default, convicted and liable to ſaid penalties.

XIV. And be it further enacted by the authority aforeſaid, That if it ſhall appear upon oath to any one juſtice of the peace or chief magiſtrate, that any perſon or perſons have or hath

Buyers or receivers thereof, from one, whom juſt cauſe to

A. D. 1705.

hath bought or received any ſuch trees, timber, timber-ware, wood, under-wood, hedge-wood, bark, rind or coat of trees, from any perſon or perſons, whom the perſon ſo buying or receiving the ſame had juſt cauſe to ſuſpect to have ſtolen, or unlawfully come by the ſame; it ſhall and may be lawful to and for ſuch juſtice of the peace or chief magiſtrate to award the party, who bought the ſame, to pay the treble value thereof to the perſon or perſons, from whom the ſame was or were ſtolen or unlawfully taken, ſo as ſuch treble value doth not exceed the ſum of thirty ſhillings; and in default of payment, to levy the ſame by diſtreſs and ſale of the goods of ſuch perſon, by warrant under the hand of ſuch juſtice of the peace or chief magiſtrate; and if ſuch treble damages ſhall exceed the ſum of thirty ſhillings, then ſuch juſtice of the peace or chief magiſtrate ſhall bind over ſuch perſon to the next general quarter-ſeſſions of the peace; and the juſtices of the peace at ſuch general quarter-ſeſſions ſhall have power and authority to aſſeſs and aſcertain ſuch treble value, and to make ſuch order for the levying thereof by diſtreſs and ſale of ſuch offenders goods, as to them ſhall ſeem meet.

ſuſpect, may be awarded to pay treble to party injured, ſo as not exceeding 30 *s.*

If it does, they ſhall be bound to next ſeſſions, where ſaid treble value may be aſcertained, and ordered to be levied.

CHAP. X.

An Act to prevent fees being taken in certain caſes.

No fees upon bills of indictment returned *ignoramus.*

3 G. 2. 9. *further inforced.*

WHEREAS divers of her Majeſty's ſubjects are frequently vexed and oppreſſed by rich, powerful and malicious perſons, who to compaſs their own private ends and deſigns, and more for the ſake of revenge than juſtice, do uſually prefer bills of indictment againſt poor and innocent perſons; and although ſuch proſecutions are malicious and groundleſs, and ſuch bills of indictment returned *ignoramus* by the reſpective grand juries, yet nevertheleſs great fees have been and are uſually taken from the perſons indicted, to the utter ruin of ſome of them, and the impoveriſhment of others: for remedy whereof, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That after the firſt day of June in the year of our Lord one thouſand ſeven hundred and five, no fee or fees, ſum or ſums of money, ſhall be demanded or received from any perſon or perſons, againſt whom any bill of indictment ſhall be preferred and returned *ignoramus* by the grand jury, for drawing or ingroſſing of ſuch bill of indictment, or for the juries verdict of *ignoramus* thereon; and if

any ſheriff, ſub-ſheriff, clerk of the crown or peace, judges clerk, or any other perſon whatſoever, ſhall after the firſt day of June demand, receive, or take from any perſon, againſt whom any bill or bills of indictment ſhall be preferred, on which an *ignoramus* ſhall be found, or from any other on his or her behalf, any ſum or ſums of money, or other reward, for the drawing or ingroſſing ſuch indictment, or for ſuch verdict of *ignoramus*, every ſuch perſon ſo offending ſhall for every ſuch offence forfeit the ſum of twenty pounds; the one moiety thereof to be to our ſovereign Lady the Queen's Majeſty, her heirs and ſucceſſors, and the other moiety to him or them, that ſhall or will ſue for the ſame in any of her Majeſty's Four courts in Dublin, or other of her Majeſty's courts of record within their reſpective limits, by bill, plaint, or information, in which no eſſoign, wager of law, or protection, or any more than one imparlance, ſhall be allowed.

A. D. 1705.

Penalty 20*l.* to Queen and proſecutor.

II. Provided nevertheleſs, That nothing herein contained ſhall extend to any indictments of or for any treaſon, miſpriſion of treaſon, felony, or premunire.

except treaſon or miſpriſion, felony, or premunire.

CHAP. XI.

An act againſt horſe-ſtealing, and to prevent the buying and ſelling of ſtolen horſes; and for puniſhing all acceſſaries to felons.

2 & 3 *P. & M.* 7. *Eng.*

FOR preventing horſe-ſtealing, which is now grown ſo common, as neither in paſtures or cloſures, nor hardly in ſtables, the ſame are ſafe from ſtealing; which is occaſioned by the ready buying of the ſame by ſeveral perſons in open fairs or markets far diſtant from the owner, and with ſuch ſpeed, as the owner cannot by purſuit poſſibly help the ſame: for remedy whereof be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the proprietor, farmer, or chief keeper of every fair and market overt within this realm, ſhall before the twenty fifth day of December one thouſand ſeven hundred and five, and ſo yearly, appoint and limit out a particular and certain open place within the town, place, field, or circuit, where horſes, mares, geldings, colts, and filleys have been or ſhall be uſed to be ſold in any fair or market overt, in which ſaid particular and certain open place aforeſaid there ſhall be by the proprietor, farmer, or keeper of the ſaid fair or market, put in and appointed one ſufficient perſon or perſons

Proprietor of fair and market overt yearly to appoint a certain open place where horſes uſed to be ſold, and appoint a toll-keeper there from ten till ſun-ſet, to enter ſale, gift or exchange of horſes,

A. D. 1705. Chap. 11.

persons to take toll, and keep the same place from ten of the clock before noon until sun-set every day of the aforesaid fair and market, to enter the sale, gift, or exchange of every horse, mare, gelding, colt, or filley sold, exchanged, or past away in every of the said fairs or markets, upon pain to lose and forfeit for every default the sum of twenty shillings; and that on the bargain, exchange, gift, contract, or putting away of every such horse, mare, gelding, colt or filley so sold, exchanged, or put away in any fair or market as aforesaid within this realm, all the parties making the bargain, exchange, gift, contract, or putting away of every such horse, mare, gelding, colt or filley, shall be present, and also the same horse, mare, gelding, colt, or filley, so sold, exchanged, given, or put away, shall be produced before such person, so deputed and appointed as aforesaid; and when they are all present, and not before, such book-keeper, toll-keeper, or other person, shall write or cause to be written in a book, to be kept for that purpose, the names, sir-names, and dwelling-places of all the said parties, and the colour, with one special mark at least, of every such horse, mare, gelding, colt, or filley, on pain to forfeit at and for every default contrary to the tenor hereof twenty shillings; and that the said person or persons, so deputed or appointed to be keeper of the said book, shall, within one day next after every such fair or market, bring and deliver his said book to the proprietor, farmer, or chief keeper of the said fair or market, who shall then cause a note to be made of the true number of all horses, mares, geldings, colts, and filleys sold, exchanged, given, or put away at the said market or fair, and shall there subscribe his name, or set his mark thereunto, on pain on every default therein to forfeit twenty shillings.

Penalty 20*s.* each default.

All parties to the bargain to be present.

The horse to be produced,

and in presence of all toll-keeper to enter in a book their names, &c. the colour and one special mark of the horse.

Penalty 20*s.*

and next day deliver said book to proprietor, who shall make and subscribe a note of the number sold.

Penalty 20*s.*

II. And be it further enacted by the authority aforesaid, That the sale, gift, exchange, or putting away, after the twenty fifth day of December one thousand, seven hundred and five, in any fair or market *overt*, of any horse, mare, gelding, colt, or filley, that is or shall be stolen or feloniously taken away from any person or persons, shall not alter, take away, or change the property of any person or persons to or in any such horse, mare, gelding, colt or filley, unless the said horse, mare, gelding, colt, or filley shall be in the time of the said fair or market, wherein the same shall be so sold, given, exchanged, or put away, openly ridden, led, walked, driven, or kept standing by the space of one hour together at the least, betwixt ten of the clock in the morning and the sun-setting, in the open place of the fair or market, wherein horses are commonly used to be sold; and not within any house, yard,

Sale in market overt of a horse stolen not to alter the property, unless openly led or kept one hour between ten and sun-set in said place, and such entries made by book-keeper as aforesaid.

yard, back-ſide, or other private or ſecret place; and unleſs all the parties making the contract, bargain, gift, or exchange in the ſaid fair or market, ſhall alſo come together before ſuch book-keeper, and alſo bring the horſe, mare, gelding, colt, or filley ſo ſold, exchanged, given, or put away, at the ſame time before ſuch book-keeper as aforeſaid, to the open place appointed for the book-keeper, and there enter or cauſe to be entered their chriſtian names, ſir-names, dwelling-places, in manner aforeſaid, with the colour or colours, and one ſpecial mark at the leaſt, of every the ſame horſes, mares, geldings, colts, or filleys, in the keeper's book for that purpoſe, as is aforeſaid: and that no perſon after the ſaid twenty fifth day of December one thouſand ſeven hundred and five ſhall in any fair or market ſell, give, exchange, or put away any horſe, mare, gelding, colt, or filley, unleſs the book-keeper, or chief officer of the ſame market or fair, ſhall and will take upon him perfect knowledge of the perſon, that ſo ſhall ſell or offer to ſell, give, or exchange any horſe, mare, gelding, colt, or filley, and of his true chriſtian name, ſir-name, and place of dwelling or reſidence; and ſhall enter all the ſame his knowledge in a book there kept for ſale of horſes; or elſe, that he ſo ſelling or offering to ſell, give, exchange, or put away any horſe, mare, gelding, colt, or filley, ſhall bring to the book-keeper one ſufficient and credible perſon that can, ſhall, and will teſtify and declare unto and before ſuch book-keeper, that he knoweth the party that ſo ſelleth, giveth, exchangeth, or putteth away ſuch horſe, mare, gelding, colt, or filley; and his true name, ſir-name, myſtery, and dwelling-place; and there enter, or cauſe to be entered, in ſuch book as well the true chriſtian name, ſir-name, myſtery, and place of abode, dwelling, or reſidence of him, who ſo ſelleth, giveth, exchangeth, or putteth away ſuch horſe, mare, gelding, colt, or filley, as of him, who ſo ſhall teſtify or avouch his knowledge of the ſame perſon; and ſhall alſo enter the very true price or value, that he ſhall have for the ſame horſe, mare, gelding, colt, or filley; and that no book-keeper, or other perſon employed in that ſervice, ſhall enter any ſale, gift, exchange, or putting away of any horſe, mare, gelding, colt, or filley, unleſs he knoweth the party, who ſo ſelleth, giveth, exchangeth, or putteth away ſuch horſe, mare, gelding, colt, or filley, and his true chriſtian name, ſir-name, myſtery, or place of his dwelling or reſidence, or the party, who ſhall ſo juſtifie and avouch, as is herein before enacted; and ſuch book-keeper or other perſon ſhall give to the perſon ſo buying or taking by gift or exchange ſuch horſe, mare, gelding, colt, or filley, requiring and paying three pence for the ſame, a true and perfect note in writing of all the full contents of the ſame, ſubſcribed with his hand, upon pain that the perſon mak-

31 *Eliz.* 12. *Eng.*

no horſe to be ſold, &c. unleſs book-keeper takes on him perfect knowledge of ſeller, and enters the ſame;

or unleſs he brings to book-keeper a ſufficient perſon to teſtify and avouch his knowledge of him.

Entry to be made of both,

and of the true price.

Book-keeper to enter no ſale, unleſs he knows ſeller or voucher;

and to give buyer, &c. (paying 3 d) a note of all the contents.

A. D. 1705. Chap. 11.

ing any untrue teſtimony or avouchment in the behalf aforeſaid, and every perſon ſo ſelling, giving, exchanging, or putting away any horſe, mare, gelding, colt, or filley, without being known to the book-keeper or other officer aforeſaid, or without bringing ſuch a voucher or witneſs, cauſing the ſame to be entered as aforeſaid; and every book-keeper, toll-keeper, or other officer of fair or market neglecting to do his duty, ſhall ſeverally forfeit for every ſuch default the ſum of twenty ſhillings; and alſo every ſale, gift, exchange, or other putting away of any horſe, mare, gelding, colt, or filley, in fair or market, not uſed in all points according to the true meaning of this act, ſhall be void; the ſaid ſeveral penalties to be recovered before the juſtice and juſtices of aſſize in the ſeveral places, where they ſit; and where they do not ſit, then before the juſtices of the peace at their ſeveral quarter-ſeſſions, and levied by their reſpective warrants by diſtreſs on the goods of every perſon making default, and ſale of ſuch goods, returning the overplus, if any, to the party ſo diſtrained.

Penalty on each offender 20 s.

Bargain not according to this act, void, at aſſiſes or ſeſſions,

by diſtreſs, &c.

III. And be it further enacted by the authority aforeſaid, That the judge and judges of aſſizes in their ſeveral and reſpective circuits, and the juſtices of the peace of every other place and county, where the judge or judges of aſſize do not ſit, ſhall reſpectively have authority in their reſpective aſſizes and ſeſſions within the limits of their authority and commiſſion to inquire, hear, and determine all offences againſt this ſtatute.

Offences determinable at aſſiſes or ſeſſions.

IV. And be it further enacted by the authority aforeſaid, That all the penalties in this act ſhall be the one half to the poor of the pariſh, where the offence is committed, or other publick work, as the ſaid judge or judges of aſſize and juſtices of the peace in their ſaid ſeſſions ſhall reſpectively order; and the other moiety to the perſon, who will ſue for the ſame before ſuch judge or judges of aſſize, or juſtices of the peace at their ſeſſions aforeſaid.

All penalties to the poor, or other publick work, and proſecutor.

1 *Anne* 9. *ſtat.* 2. *Eng.*

V. And foraſmuch as buyers and receivers of ſtolen goods and chattels do oftentimes harbour, convey away, and conceal the principal felons, ſo that they cannot be convict of ſuch principal felonies, and thereby ſuch buyers and receivers, and other acceſſaries to ſuch felonies, have eſcaped all manner of puniſhment, which hath greatly encouraged the buying and receiving ſuch ſtolen goods and chattels: for remedy whereof be it therefore enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and five, it ſhall and may be lawful to proſecute and puniſh every ſuch perſon and perſons buying or receiving any ſtolen goods or chattels, knowing the ſame to be ſtolen, or that ſhall otherwiſe be acceſſary to ſuch felony before or after the fact, as for a miſdemeanor, to be puniſhed by fine and impriſonment, although the principal felon be not before convicted of the ſaid felony, which

Buyer or receiver of ſtolen goods knowingly, or otherwiſe acceſſary, may be proſecuted as for miſdemeanor, tho' principal not convicted; and thereby exempt from puniſhment as acceſſary, afterwards.

8 *Anne* 8.

shall exempt the offender from being punished as accessary, if the principal shall be after convicted. A. D. 1705.

VI. And be it further enacted by the authority aforesaid, That if any harbourer of any felon shall discover and prosecute any two or more such harbourers, so as they shall be taken, and shall be convict of harbouring as aforesaid at the prosecution of such discoverer, that then such harbourer, so discovering and prosecuting, shall by virtue of this act be pardoned and acquitted for his former crimes of harbouring only; any thing in this act to the contrary notwithstanding. This act to continue in force for five years, and from thence to the end of the then next session of Parliament, and no longer.

Harbourer of felon, discovering and prosecuting to conviction others, pardoned and acquitted thereof.

6 *Anne* 11. continance five years, &c.

6 *Anne* 12. *perpetuah.*

CHAP. XII.

An Act to repeal the statute made in the fifth of Henry the fourth, against multiplying gold and silver; and to prevent disputes and controversies concerning royal mines.

WHEREAS by a statute made and enacted in the Parliament held in England in the first year of the reign of King Henry the fourth, late King of England, it was amongst other things enacted in these words, or to this effect, namely: "That none from henceforth should use to multiply gold or silver, or use the crafts of multiplication; and if any of the same do, they shall incur the penalty of felony:" which statute by an act made in the Parliament held in this realm in the tenth year of the reign of the late King Henry the seventh, was enacted to be used and executed in this land of Ireland: And whereas since the making the said statute divers persons have by their study, industry, and learning arrived to great skill and perfection in the art of melting and refining of metals, and otherwise improving them and their ores, which very much abound within this realm; and extracting gold and silver out of the same, but dare not exercise their skill within this realm for fear of falling under the penalty of the said statute; but exercise the said art in foreign parts, to the great loss and detriment of this realm: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from henceforth the aforesaid branch, article, or sentence contained in the said act made in England, or any word, matter, and thing contained in the said branch or sentence, shall not be of force, or used or executed within this realm of Ireland; any thing in the said acts, or either of them, to the contrary in any wise whatsoever notwithstanding.

1 *W.* & *M.* 30. *stat.* 1. *Eng.* 10 *G.* 1. 5.

Recital of *stat.* 5 *H.* 4. 4. made in England, and enacted in Ireland by 10 *H.* 7. 22.

Mischief,

and repeal thereof.

II. Pro-

A. D. 1705. Chap. 12.

II. Provided alſo, and be it further enacted by the authority aforeſaid, That no mines of copper, tin, iron, or lead, ſhall hereafter be adjudged, reputed, or taken to be a royal mine, although gold or ſilver may be extracted out of the ſame.

No mines of copper, tin, iron, or lead, adjudged royal, tho' gold or ſilver extracted.

III. And be it alſo enacted by the authority aforeſaid, That all and every perſon or perſons, being ſubjects of the crown of England, bodies politick or corporate, that now are or hereafter ſhall be the owner or owners, proprietor or proprietors, of any mine or mines within the kingdom of Ireland, wherein any ore now is or hereafter ſhall be diſcovered, opened, found, or wrought, and in which there is copper, tin, iron, or lead, ſhall and may hold and enjoy the ſame mine or mines and ore, and continue in the poſſeſſion thereof, and dig and work the ſaid mine and mines or ore, notwithſtanding that ſuch mine or mines or ore ſhall be pretended or claimed to be a royal mine or royal mines; any law, uſage, or cuſtom to the contrary notwithſtanding.

5 *W. & M. Eng.*

Owners of ſuch mines ſhall notwithſtanding enjoy the ſame.

IV. Provided always, and be it enacted and declared, That her Majeſty, her heirs and ſucceſſors, ſhall and may have the ore of any ſuch mine or mines in any part of the ſaid kingdom of Ireland, paying to the proprietors or owners of the ſaid mine or mines, wherein ſuch ore is or ſhall be found, within thirty days after the ſaid ore is or ſhall be raiſed and laid upon the banks of the ſaid mine or mines, and before the ſame be removed from thence, the rates following: (that is to ſay) for all ore waſhed, made clean, and merchantable, wherein is copper, at the rate of ſixteen pounds *per* tun; and for all ore waſhed, made clean and merchantable, wherein there is tin, at the rate of forty ſhillings *per* tun; and for all ore waſhed, made clean, and merchantable, wherein there is iron, at the rate of forty ſhillings *per* tun; and for all ore waſhed, made clean, and merchantable, wherein there is lead, at the rate of nine pounds *per* tun; and in default of payment of ſuch reſpective ſums as aforeſaid, it ſhall and may be lawful for the owners and proprietors of the ſaid mine or mines, wherein ſuch ore is or ſhall be found, to ſell and diſpoſe of the ſaid ore to his and their own uſe; any law, ſtatute, or cuſtom, to the contrary notwithſtanding.

But the Queen may have the oar, paying the owners in 30 days after it is raiſed,

for copper waſhed and merchantable 16 l. *per* tun: Tin, 40 s.

Iron, 40 s.

Lead, 9 l.

In default of payment, owners may diſpoſe thereof.

V. And whereas his late Majeſty King James the ſecond by letters patents bearing date the ſeventeenth day of January, in the ſecond year of his reign, for the conſideration in the ſaid letters patents mentioned, did demiſe, grant, ſet, and to farm let, unto the right honourable James earl of Abbercorne, then James Hamilton of Donalong in the county of Tyrone, eſquire, all and every the minerals, mines, metals, or ores, holding gold or ſilver, or mixed with gold or ſilver; and alſo all other minerals, mines, ores, or metals, to his Majeſty, his heirs and ſucceſſors, belonging,

Recital of grant 2 *J.* 2. of mines, *&c.* to lord Abbercorne for 61 years,

as

as well not holding gold and ſilver as holding gold and ſilver, within the province of Munſter; and alſo all ſuch mines, minerals, and ores within all the provinces in the kingdom of Ireland, and all and every part thereof, whether then diſcovered or opened, or not; and all his Majeſty's ſmelting-houſes, forges, cole-yards, ſtore-houſes, and other buildings, and the ſcites and ſoil of ſuch houſes, forges, cole-yards, ſtore-houſes, and buildings in Ireland, ſeveral of which are particularly named in the ſaid letters patents; TO HAVE AND TO HOLD the ſame for the term of ſixty one years, to commence from the day of the date of the ſaid letters patents, yielding and paying therefore, during the ſaid term, to his late Majeſty, his heirs and ſucceſſors, at the receipt of his Majeſty's Exchequer in Ireland, or to the vice-treaſurer or receiver-general of the rents and revenues of that kingdom, the yearly rent of ten pounds *ſterling*, to be paid at the feaſt of the annunciation of the bleſſed Virgin Mary and Saint Michael the arch-angel by equal portions; in which letters patents are alſo contained ſeveral other beneficial grants and clauſes, as by the ſame, relation being thereunto had, which are duly inrolled in the Rolls Office of this kingdom, may fully appear: and whereas ſeveral perſons have been diſcouraged from ſearching and digging for mines in ſeveral parts of this kingdom, being apprehenſive that after much labour and expence it might often ſo fall out that the mines diſcovered and opened might prove of that ſort and nature, to which the crown or the ſaid earl of Abbercorne by vertue of the ſaid letters patents might have or claim a right, by means whereof ſeveral mines remain within this kingdom unopened, to the publick prejudice thereof: for the removing therefore of the ſaid impediments, and to the end the publick may reap the greater benefit and advantage hereby, and that the ſaid James earl of Abbercorne may have and receive an equivalent for the ſaid grant; be it enacted by the authority aforeſaid, That the ſaid letters patents, and all and every the grants and clauſes therein contained, ſhall be and are hereby revoked, annulled, and made void; and that in lieu thereof, and as an equivalent for the ſaid grant, the ſum of four thouſand pounds *ſterling* ſhall be paid unto the ſaid James earl of Abbercorne, his executors, adminiſtrators, and aſſigns, in full ſatisfaction and diſcharge of all his demands or pretenſions to all or any the mines opened or unopened, diſcovered or undiſcovered within this realm: and the treaſurer or vice-treaſurer of this kingdom for the time being is hereby required and commanded to pay the ſaid ſum of four thouſand pounds unto the ſaid James earl of Abbercorne, his executors, adminiſtrators, and aſſigns, in the manner following: *(viz.)* two thouſand pounds, part of the ſaid four thouſand pounds, on or before the twenty fifth day

A. D. 1705. Chap. 12.

paying 10 l. yearly.

Said grant a diſcouragement to ſearching for mines;

Revocation thereof,

and equivalent of 4000 l. given to lord Abbercorne.

A. D. 1705. Chap. 12.

of December, which will be in the year of our Lord God one thouſand ſeven hundred and five; and the remaining two thouſand pounds on or before the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred and ſix.

VII. And whereas the ſaid earl of Abbercorne hath contracted with ſeveral perſons for his intereſt in ſeveral mines in this kingdom; purſuant to which contracts, and by and with the conſent and licence of the proprietors of the ſoil, ſeveral contractors have laid out great ſums of money, and have been at conſiderable expence already by erecting ſmelting-houſes, and digging for and opening mines, which are now at work, to the great benefit of the kingdom: be it therefore enacted by the authority aforeſaid, That nothing in this preſent act contained ſhall extend to avoid the ſaid leaſes or contracts, made by the ſaid earl of Abbercorne to or with any perſon or perſons, who by virtue of ſuch leaſe or contracts, and by the conſent and licence of the owner of the ſoil, have already opened or wrought any mine or mines within this kingdom; but that it ſhall and may be lawful to and for ſuch perſon or perſons, his and their executors, adminiſtrators, or aſſigns, to make his or their election before the twenty fifth day of December, which will be in the year of our Lord God one thouſand ſeven hundred and five, either to wave and ſurrender the benefit of ſuch leaſes and contracts to the owner or proprietor of the ſoil, or elſe to inſiſt on the benefit thereof: and in caſe ſuch perſon or perſons ſhall fail to make his or their election within the time aforeſaid, or ſhall elect to wave and ſurrender the ſame as aforeſaid, that then and from thenceforth, as well the ſaid leaſes and contracts made between ſuch perſon and perſons and the ſaid earl, as all leaſes and contracts made between the owner and proprietor of the ſoil and the ſaid earl, ſhall be null and void; and as well the ſaid earl of Abbercorne, as the ſaid perſon and perſons aforeſaid, ſhall be from thenceforth diſcharged from all covenants, clauſes, payments, and agreements made concerning the ſame: but in caſe the ſaid perſon or perſons, his or their executors, adminiſtrators, or aſſigns, do or ſhall within the time aforeſaid make his or their election to inſiſt on the benefit of ſuch leaſes, contracts, or agreements, then he or they ſhall from thenceforth pay, or cauſe to be paid and performed unto the reſpective owners and proprietors of the ſoil, all ſuch ſum and ſums of money and other conſiderations, covenants, and agreements, at ſuch times, and in ſuch manner, as the ſame were reſerved, and are now payable or to be performed in and by ſuch leaſes or contracts unto the ſaid earl of Abbercorne: and that the ſaid owner and proprietor of the ſoil ſhall have ſuch remedy for the ſame, as the

Not to avoid leaſes or contracts by him, where mines already opened in purſuance thereof;

which the parties ſhall have election before 25 Dec. 1705, to wave and ſurrender to proprietor of the ſoil, or inſiſt on benefit thereof.

the ſaid earl of Abbercorne would have had in caſe this act had not been made: and that all ſuch leaſes and contracts as ſhall not by the laſt day of Michaelmas term, in the year of our Lord God one thouſand ſeven hundred and five, be produced or proved by affidavit or otherwiſe, to the ſatisfaction of the barons of her Majeſty's court of Exchequer in Ireland, ſhall be counted null and void to all intents and purpoſes whatſoever. A. D. 1705.

VIII. Provided always, That nothing herein contained ſhall bar the ſaid earl of Abbercorne, his executors or adminiſtrators, from demanding, ſuing for, and recovering all ſuch rents and ſums of money, which on or before the firſt day of November one thouſand ſeven hundred and four were due and payable to him.

IX. And be it enacted by the authority aforeſaid, That all leaſes, contracts, and agreements made by the ſaid earl of Abbercorne, his agents or attorneys, of any mines or minerals in other mens ſoil, wherein as yet no mine has been opened in purſuance of ſuch agreement, ſhall for ever hereafter be null and void to all intents and purpoſes: and the ſaid earl of Abbercorne, his heirs, executors, and adminiſtrators, ſhall pay back to all ſuch perſons all fines and other conſiderations by them reſpectively paid as fines for obtaining ſuch leaſe or contract; which ſaid fines ſhall, before the laſt day of Michaelmas term one thouſand ſeven hundred and five, be made appear to have been ſo paid for the ſame, by producing ſuch contract, or making due proof thereof by affidavit, or otherwiſe to the ſatisfaction of the barons of her Majeſty's court of Exchequer as aforeſaid. But ſuch leaſes or contracts, where no mine opened, void.

CHAP. XIII.

An Act for the relief of poor priſoners for debt.

FORASMUCH as very many perſons now detained in priſon are reduced to very great poverty through many misfortunes that have attended them, ſo as they are totally diſabled to give any ſatisfaction to their creditors; and by being detained in priſon without advantage to any, are rendered uſeleſs and a burthen to the kingdom, to the great prejudice thereof: be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all perſons who were in priſon upon the thirteenth day of February one thouſand ſeven hundred and four, for debts or damages, upon any action or actions, or upon any mean proceſs for debt, or other actions whatſoever which may become judgments, or who have judgments entered upon record againſt them; or are charged in execution, or impriſoned upon attachment for debt or other action; or upon outlawries before or after judgment for debt, caſe, or treſpaſs; or upon any other proceſs whatſoever iſſuing out of any court of law or equity for debt, damages, or coſts, who ſhall take the oath hereafter mentioned, ſhall and may be releaſed and diſcharged from their impriſonment and the debts owing by them, in ſuch manner as hereafter is provided. 10 *Wil.* 3. 1. 6 *G.* 1. 17. 1 *G.* 2. 25. 9 *G.* 2. 20. 23 *G.* 2. 17. 29 *G.* 2. 17. 33 *G.* 2. 17. 1 *G.* 3. 16.

II. And

A: D. 1705. Chap. 13.

II. And be it enacted by the authority aforesaid, That it shall be lawful for any justice of the peace of any county, city, town, or liberty within this kingdom, by warrant under his hand and seal, to require the sheriffs, goalers or goaler, or keeper of any prison within his respective jurisdiction, to bring before the justices of the peace at the next quarter sessions for the respective county, city, or town, the body of any person being in prison for debt, or upon any other action or process as aforesaid, on the day aforesaid, and petitioning him to be discharged; which warrant every such sheriff, goaler, or keeper is hereby commanded to obey, under the pain and forfeiture of ten pounds for such delay, neglect, or refusal, to be paid to the prisoner obtaining such warrant, and to be recovered of every such sheriff, goaler, or keeper of any prison by action of debt, bill, plaint, or information; wherein no essoigne, protection, or wager of law, or more than one imparlance, shall be allowed: and such prisoner, coming before such justice of the peace at the said sessions, shall in open court take an oath, or swear to the effect following:

I A. B. do upon my corporal oath, in the presence of Almighty God, solemnly swear, profess and declare, that I am not worth in land, money, stock, or any other estate, real or personal, in possession, reversion, or remainder, of the value of five pounds in the whole, or sufficient to pay the debt or damage, for which I am imprisoned; and that I have not directly or indirectly sold, leased, or otherwise conveyed, disposed of, or intrusted all or any part of my land, money, goods, stock, or estate, whereby to secure the same, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors to whom I am indebted.

So help me God.

III. And be it further enacted by the authority aforesaid, That the justice of peace, who shall grant such warrant for bringing such prisoner before the justices of the peace at their next sessions, shall without fee or reward give a writing, importing notice to the creditor or creditors under his hand and seal, that he has granted such warrant, and that the prisoner has petitioned him to be discharged; and the said summons or notice shall be left with or served upon such person or persons, his or their executors, administrators, attorneys, or agents, lawfully authorized, to be left at the dwelling-house or usual place of abode, as the prisoner shall stand indebted to, at least fourteen days before such quarter-sessions thereby appointed, as well the said persons as the said prisoner to appear before the justices at the next general sessions of the peace to be held for the same county, city, town, or liberty: and when it shall appear upon oath before the said justices, that the said summons was so served or left fourteen days or more before the said sessions, and that the said oath taken by the said prisoner be not disproved by good testimony of any credible person on oath, to be administered by the said justices; then such justices of the peace in their said sessions being satisfied therewith, shall thereupon without fee or reward by their warrant command the sheriff, goaler, or keeper of any prison, to set at liberty the prisoner without the payment of fees, lodging, or chamber-rent: which warrant shall be a discharge to the sheriff, goaler, or keeper of any prison, and indempnifie them against escapes.

IV. And be it further enacted by the authority aforesaid, That if any creditor insist to have his debtor continued in prison, after swearing or taking the oath aforesaid, for the space of ten days after such quarter-sessions, that then such creditor so insisting to detain the prisoner shall actually pay the prisoner six pence *per diem*; and in case of neglect the prisoner to be discharged; and if within the said ten days no estate of the prisoner beyond the value of five pounds can be found, discovered, or made out before two justices of the peace, then the prisoner to be forthwith discharged without fee or reward, by warrant under the hands and seals of any two justices of such county, city, town, or liberty; and the same to be as effectual, as if discharged in open sessions.

V. And

V. And be it further enacted by the authority aforeſaid, That no priſoner diſcharged by this act ſhall at any time hereafter be impriſoned by reaſon of any debt or damages, or any ſum of money contracted, owing, or grown due before the ſaid thirteenth day of February one thouſand ſeven hundred and four; and that upon any arreſt for ſuch debt or damages it ſhall be lawful for them, ſhewing a duplicate of their diſcharges (which they are to have without fee) to retain an attorney to appear for them, and file common bail only, and no more to be required to every action, and plead thereunto that they were diſcharged by virtue of this act, without ſetting forth any of the matter required to be performed by this act; it being to be left to the plaintiff to ſhew any failure therein by his replication, if he ſhall think fit; ſo that the plaintiff, if he pleaſe, may recover and enter up judgment againſt ſuch priſoner, to be executed and levyed upon the lands, tenements, goods, and chattels of ſuch priſoner, his or her wearing apparel, furniture for his or her dwelling-houſe, the furniture or neceſſary tools for his or her occupation, not exceeding five pounds, and ſuch goods as he or ſhe hath had, or ſhall have, upon freſh credit after ſuch his diſcharge, only excepted, but not upon their perſons, their perſons being for ever freed and diſcharged from impriſonment for any debt or damages contracted or due to any perſon or perſons whatſoever before the time of their diſcharge.

VI. And be it further enacted by the authority aforeſaid, That if any ſheriff, goaler, or keeper of any priſon, ſhall refuſe or delay to bring the priſoner to the quarter-ſeſſions in order to his diſcharge, or detain the priſoner after he ſhall be diſcharged; every ſuch ſheriff, goaler, or keeper of any priſon, ſhall forfeit and pay the priſoner ten pounds, to be recovered by bill, plaint, or information in any of the Queen's courts, where no eſſoigne, protection, or wager of law, or more than one imparlance, ſhall be allowed; and alſo ſhall be liable to ſuch fine, not exceeding fifty pounds, as the juſtices ſhall in their diſcretion think fit to impoſe.

VII. And be it further enacted by the authority aforeſaid, That upon any action of eſcape, or other ſuit, to be brought againſt any juſtice of the peace, ſheriff, goaler, or keeper of any priſon for doing their office in purſuance of this act, they may plead the general iſſue and give this act in evidence; and if the plaintiff be non-ſuit, or verdict paſs againſt him, the defendant to have treble coſts.

VIII. Provided that the diſcharge of any perſon ſhall not acquit any other joyntly or ſeverally bound for the ſaid debt, or any part thereof, either as principal or ſurety; but that they ſhall be anſwerable for the ſaid debt and damages, in ſuch manner as they were before.

IX. Provided alſo, That no perſon by virtue of this act ſhall be diſcharged out of priſon, who ſhall be charged in execution and ſhall really owe more than the ſum of one hundred and fifty pounds to any one perſon principal money, or ſhall be in execution at the ſuit of any other perſon or perſons for more in the whole than five hundred pounds; ſuch debts to be aſcertained by the court or courts, out of which ſuch execution did iſſue, or by any decree in Chancery.

X. And be it further enacted by the authority aforeſaid, if any priſoner ſhall at any time afterwards be found or ſuſpected by any creditor to have in ready money, goods, or chattels in his own hands and poſſeſſion, or in any others to his or her uſe, in value over and above what is allowed by this act, other than ſuch goods in his or her ſhop or work-houſe, as he or ſhe ſhall have been truſted with ſince the time of his or her diſcharge, and for what he or ſhe ſhall be really indebted, and he or ſhe will not or do not upon any convenient demand pay his or her debts therewith, as far as the ſame will reach, that then in ſuch caſe, at the requeſt of any creditor, an oath ſhall be tender'd by any juſtice of the peace, or by any judge of the court where there is judgment againſt him or her for diſcovery thereof; and he or ſhe refuſing to take the ſaid oath, or if it ſhall thereby appear he ſhall have a greater eſtate than is allowed by this act to be diſcharged, he or ſhe ſhall be remanded to priſon in execution for ſuch debt; any thing in this act to the contrary notwithſtanding.

A. D. 1705.

XI. And be it further enacted by the authority aforeſaid, That this act ſhall not extend to diſcharge any perſon in execution for any fine on him or her impoſed for any offence committed or done againſt the Queen's Majeſty.

XII. Provided, That every priſoner upon mean proceſs, if it ſhall be deſired by any creditor, before the juſtice of the peace, to whom the priſoner has applied for his diſcharge, ſhall forthwith give a warrant to ſome attorney to appear and file common bail, and receive a declaration; and that ſuch priſoner ſhall thereupon have the full benefit of this act, as to the liberty of his perſon, upon his ſaid mean proceſs; and that any judgment or execution that ſhall be had againſt him in that or any other ſuit that ſhall be brought againſt him, to all intents as fully as if he had been charged in execution the ſaid thirteenth day of February one thouſand ſeven hundred and four aforeſaid; but ſuch perſon in priſon upon mean proceſs ſhall in ſuch caſe of refuſal to give ſuch warrant of attorney loſe the whole benefit of this act.

XIII. And be it further enacted by the authority aforeſaid, That every priſoner, before he is diſcharged, ſhall ſwear what effects are belonging to him, and debts owing and by whom, and for what cauſe, and upon what ſecurity; and ſhall make a ſchedule thereof in the preſence of the juſtice, and ſubſcribed by the priſoner, which ſhall be returned by the juſtices to the next ſeſſions, there to remain for the better information of the creditors of ſuch priſoner; who, or ſuch of them as will joyn, may thereupon ſue for ſuch debts, or ſo much thereof as will reaſonably ſatisfie them, in the name of the priſoner; and after the ſame recovered and received, to render the over-plus thereof to the priſoner, their own debts and charges firſt deducted.

XIV. And be it further enacted by the authority aforeſaid, That if any perſon ſhall perjure himſelf, and be thereof lawfully convicted, he or ſhe ſhall, over and above the penalty now in being, ſuffer impriſonment for the ſpace of twelve calendar months without bail.

XV. Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to give any benefit, eaſe, diſcharge, or releaſe to Abraham Moyers a Jew, a notorious cheat, or Henry Thorpe, now in the cuſtody of the marſhal of the Four-courts Dublin, or in the cuſtody of the marſhal of the city of Dublin, who have ſeverally notoriouſly impoſed on and wilfully defrauded their creditors.

CHAP. XIV.

An Act for regulating the weights uſed in this kingdom: and that ſalt and meal ſhall be ſold by weight.

9 *H.* 3. 25. *En.*
14 *E.* 3. 12. *En.*
8 *H.* 6. 5. *Eng.*
11 *H.* 6. 8. *En.*
11 *H.* 7. 4. *En.*

One weight thro' the kingdom between buyer and ſeller; according to the pound averdupois, except for bread, gold, ſilver, or drug-giſts' wares.

WHEREAS there are great diverſities of weights in this kingdom, and in many parts thereof no true nor certain ballance nor weights are to be had to weigh merchandizes between buyer and ſeller; whereby great frauds are uſed, and great inconveniencies happen to the prejudice of the trade and traffique of this kingdom: for remedy whereof, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, That there ſhall be one weight throughout this kingdom for the weighing of all ſorts of merchandizes between buyer and ſeller; and that the ſame ſhall be according to the pound of averdupoize

The tongue of the ballance to be even.

weight, except the weighing of bread, gold, ſilver, and druggiſts and apothecaries wares: and that all manner of merchandizes ſhall be weighed by ballance, ſo that the tongue of the ſaid ballance be even without bowing to one ſide or the other, or by puting hand or foot, or touch or diſorder the ſame. A. D. 1705. Chap. 14.

II. And to the end there may be one certain weight to be for ever hereafter uſed in this kingdom as aforeſaid, be it enacted by the authority aforeſaid, that on or before the firſt day of Auguſt, which ſhall be in the year one thouſand ſeven hundred and five, there ſhall be provided at her Majeſty's charge a ſett of juſt and true weights: (that is to ſay) one ounce weight, one pound weight, one four pound weight, one ſeven pound weight, one fourteen pound weight, one twenty eight pound weight, and one half hundred weight or fifty ſix pounds: all which weights are to be made and ſized according to the true and juſt averdupoize weight, and ſhall be made of braſs, and ſhall be marked with the letters A R. with the crown over them: and the ſaid weights ſo made, aſſized, adjuſted, and prepared, ſhall be lodged in her Majeſty's Exchequer, in the cuſtody of the lord treaſurer of this realm, or of the vice-treaſurer, his deputy or deputies, for the time being; there to be and remain as the ſtandard weights for this kingdom of Ireland: that there ſhall be alſo provided in every city and town in this kingdom, that are counties of themſelves, at the charge of the ſaid cities and towns, and alſo in every county within this kingdom at the charge of the ſaid counties, before the firſt day of November one thouſand ſeven hundred and five, a ſet of juſt and true weights: (that is to ſay) one ounce weight, one pound weight, one four pound weight, one ſeven pound weight, one fourteen pound weight, one twenty eight pound weight, and one half hundred weight of fifty ſix pounds: all which ſaid ſeveral weights ſhall be made of braſs, and ſhall be tried, ſized, and made equal and juſt with the weights aforeſaid remaining in her Majeſty's court of Exchequer; and being ſo tried, ſized, and made juſt and equal, ſhall be ſealed by the officer, in whoſe cuſtody the ſaid ſtandard weights do remain, with the ſame ſeal wherewith the ſaid ſtandard weights are ſealed: for the ſealing and trying each weight there ſhall be paid to the ſaid officer the ſum of one penny, and no more: which ſaid ſeveral weights ſhall be and remain in the cuſtody of the mayor for the time being in each city and town, that are counties by themſelves, to be the ſtandard weights in the ſaid cities and towns that are counties of themſelves; by which all the weights in the ſaid cities and towns are to be tried, ſized, and regulated: and in counties at large the ſaid weights are to be and remain in ſuch town

Standard weights at the Qneen's charge to be made, marked, and lodged in Exchequer.

and in every county at charge thereof a ſet of juſt weights of braſs equal thereto,

and ſealed with the ſame ſeal,

paying 1 d.

to remain in ſuch towns as herein named.

A. D. 1705. Chap. 14.

town in each county, as hereafter named and appointed: (that is to ſay)

In the town of Dundalk for the county of Lowth.
In the town of Trim for the county of Meath.
In the town of Mullingar for the county of Weſt-Meath.
In the town of Cavan for the county of Cavan.
In the town of Ardmagh for the county of Ardmagh.
In the town of Monaghan for the county of Monaghan.
In the town of Down-Patrick for the county of Down.
In the town of Carrickfergus for the county of Antrim.
In the town of Omagh for the county of Tyrone.
In the city of Londonderry for the city and county of Londonderry.
In the town of Lifford for the county of Donnegall.
In the town of Inniſkillin for the county of Fermanagh.
In the town of Carloe for the county of Catherlogh.
In the town of Ennis for the county of Clare.
In the town of Cork for the city and county of Cork.
In the city of Dublin for the city and county of Dublin.
In the town of Gallaway for the county of the town of Gallaway, and county of Gallaway.
In the town of Tralee for the county of Kerry.
In the town of Naas for the county of Kildare.
In the city of Kilkenny for the city and county of Kilkenny.
In the town of Phillipſtown for the King's-county.
In the town of Karrickdrumroſt for the county of Leitrim.
In the city of Limerick for the city and county of Limerick.
In the town of Longford for the county of Longford.
In the town of Ballinrobe for the county of Mayo.
In the town of Maryborrough for the Queens-county.
In the town of Roſcommon for the county of Roſcommon.
In the town of Sligoe for the county of Sligoe.
In the town of Clonmell for the county of Tipperary.
In the city of Waterford for the city and county of Waterford.
In the town of Wexford for the county of Wexford.
In the town of Wicklow for the county of Wicklow.

In cuſtody of chief magiſtrate, as the ſtandard for all weights in ſaid counties.

In the cuſtody of the chief magiſtrate of the ſaid towns reſpectively for the time being, to be the ſtandard weights in the ſaid counties reſpectively, by which all the weights in the ſaid counties are to be tried, ſized, and regulated.

Weigh-maſter to be appointed in all places by chief magiſtrate, or

III. And be it further enacted by the authority aforeſaid, That before the firſt day of November one thouſand ſeven hundred and five, there ſhall be appointed in every city, borough and market

market town within this kingdom by the chief magiſtrate of the ſame, except in places where the toll and cuſtoms belong to any other perſon, and in ſuch caſe by the perſon or perſons to whom the toll and cuſtoms of ſuch city, borough, or market town doth belong, one honeſt diſcreet perſon who ſhall be weigh-maſter in the ſaid city, borough, or market town; who ſhall be ſworn juſtly, truly and indifferently to weigh all goods, wares, and merchandizes, as ſhall be brought unto him between buyer and ſeller; for the doing whereof he ſhall and may take and receive for every draught weighing under a hundred weight a half penny, and for every draught weighing one hundred pounds or upwards one penny.

A. D. 1705. Chap. 14.

perſon to whom the toll and cuſtoms belong,

ſworn;

who ſhall take for a draught under a hundred weight a half penny; above one penny.

IV. And be it further enacted by the authority aforeſaid, That there ſhall be alſo provided before the firſt day of November one thouſand ſeven hundred and five, at the charge of each city, borough, or market town within this kingdom, or by the perſon or perſons to whom the toll and cuſtoms of the ſame do belong in manner as aforeſaid, one good, juſt, and true ballance or iron beam with ſcales and weights ſufficient and convenient for the weighing of all manner of goods, wares, and merchandizes between buyer and ſeller, or between party and party; which ſaid beams, ſcales, and weights are to be and remain under the care and cuſtody of the weigh-maſters appointed as aforeſaid in each city, borough, or market town in this kingdom: and that all ſuch weights, as ſhall be ſo provided and made uſe of as aforeſaid for weighing of goods, wares, and merchandizes, ſhall be tried, ſized, and made juſt and equal with the braſs ſtandard weights aforeſaid, in every ſuch city and town that are counties of themſelves, and in every county at large within this kingdom; and ſhall be ſealed with the letters A. R. and the crown as aforeſaid.

A beam, ſcales, and weights, to remain with weigh-maſter, and ſealed as aforeſaid.

V. And be it further enacted by the authority aforeſaid, That in caſe the mayor for the time being of any city and town, that is a county of itſelf within this kingdom, ſhall neglect to provide a ſet of braſs ſtandard weights in manner aforeſaid, or ſhall neglect to appoint and ſwear a weigh-maſter in manner aforeſaid; or ſhall neglect to provide a good, juſt, and true ballance or beam, with ſcales and weights ſufficient and convenient for the weighing of all manner of goods, wares, and merchandizes between buyer and ſeller at or before the days or times before limited for the doing of the ſame; that then and in ſuch caſe every ſuch mayor for the time being of ſuch city or town, being a county of itſelf, or other perſon as aforeſaid, ſhall forfeit for every month, that all or any of the particulars aforeſaid ſhall be wanting, the ſum of forty ſhillings; the one half to be to the

7 G. 2. 15.

Mayor of any town, county of itſelf, not providing as aforeſaid,

penalty 40s. *per* month, to poor and proſecutor.

A. D. 1705. Chap. 14.

the poor of the parish of the city or town, where such forfeiture shall happen; the other half to such person as shall inform and prosecute for the same in manner as herein after directed: and in case there shall not be a set of brass standard weights provided in each county at large in this kingdom in manner aforesaid, and by the time limited as aforesaid, that the justices of assize at every assizes to be held in this kingdom, and the justices of the peace at their quarter-sessions, shall inquire thereof, and shall fine the said county in any sum not exceeding five pounds, and estreat the same into her Majesty's court of Exchequer; and so continue every assizes and sessions, until the said weights shall be provided as aforesaid: and that in case the chief magistrate of any borough or market town in this kingdom, or the person or persons to whom the toll and customs of any market town, not being a corporation, doth belong, shall neglect to appoint and swear a weigh-master, or shall neglect to provide a good, just, and true ballance or beam, with scales and weights necessary and sufficient for the weighing of all goods, wares, and merchandizes as aforesaid, for the space of a month after the days or times before limitted; that then and in such case every such chief magistrate of any borough or market town, being a corporation, or the person or persons to whom the toll or customs of any market town, being or not being a corporation of itself, doth belong, shall forfeit the sum of forty shillings for every month that all or any of the particulars aforesaid shall be wanting; the one half to be to the poor of the parish, and the other half to the person or persons that shall inform of and prosecute the same in manner as is hereafter directed: that the mayor for the time being of every city or town in this kingdom, being counties of themselves, and the chief magistrate for the time being of every borough and market town, or the person or persons that receives the tolls and customs of every or any market town as aforesaid, shall on the death or removal of any weigh-master appoint and swear another in the place; and shall from time to time for ever hereafter maintain and preserve a common ballance or beam, and weights sufficient and necessary in manner aforesaid, on pain of forfeiting forty shillings for every month all or any of the said particulars shall be wanting; which forfeiture shall be disposed in manner as hereafter is directed.

County at large not providing may be fined 5 l. at assizes and sessions, &c.

estreated into Exchequer.

Chief magistrate or person to whom toll and customs belong, neglecting to provide,

penalty 40s. *per* month,

on death or removal of weigh-master, another to be sworn;

said beam and weights to be preserved, on pain of 40s. *per* month.

VI. And be it further enacted by the authority aforesaid, That no merchants, weigh-master, trader, or dealer whatsoever, shall keep or use any manner of weights for weighing of any manner of goods, wares, or merchandizes bought or sold, but such as shall be justly sized, tried, and equal with the standard weights aforesaid, and sealed by the proper officer, in whose cus-

No weights to be used but such as tried and equal to the standard; and sealed:

Penalty 40s.

tody

body the ſtandard weights of each county ſhall be and remain, on pain of forfeiting forty ſhillings for every ſuch offence. A. D. 1705. Chap. 14.

VII. Provided always, That nothing in this act contained ſhall be conſtrued to hinder any merchant, trader, or dealer, from weighing all ſuch goods, wares, and merchandizes as he ſhall buy or ſell, with his own weights, the ballance being juſt and true, and the weights being juſtly ſized and true, and equal with the ſtandard aforeſaid, and ſealed with the ſeal aforeſaid by the proper officer, in whoſe cuſtody the ſtandard weights in each county remain.

Dealers may uſe their own weights, if true, equal to ſtandard, and ſealed.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the juſtices of the aſſize in their circuits, and the juſtices of the peace in their quarter-ſeſſions in this kingdom, to inquire after all offences againſt this act, and hear and determine the ſame; and to iſſue their reſpective warrants for levying the forfeitures and penalties in this act mentioned, to be diſpoſed of; the one moiety to the poor of the pariſh, and the other moiety to ſuch perſon as ſhall inform or proſecute for the ſame.

Offences determinable at aſſizes and ſeſſions,

penalties to poor and proſecutor.

IX. Provided always, That no perſon or perſons whatſoever ſhall act as weigh-maſters, or at any time execute the ſaid office, before he doth take the oaths and ſubſcribe the declaration mentioned in the act of Parliament made in England in the third year of the reign of his late Majeſty King William and the late Queen Mary of bleſſed memory, intituled, *An act for the abrogating the oath of ſupremacy in Ireland, and appointing other oaths:* which oaths the reſpective magiſtrates of every city, borough, or market town in this kingdom; or, where there is no magiſtrate, the next juſtice of the peace is hereby authorized to adminiſter.

Weigh-maſters before acting, to take the oaths, &c. as in 3 *W.* & *M.* 2. *Eng.*

X. And be it further enacted by the authority aforeſaid, That no retailer, or other perſon or perſons whatſoever, making or dealing in white ſalt, or buying white ſalt to ſell again, ſhall from and after the firſt day of November, in the year one thouſand ſeven hundred and five, ſell or put to ſale, exchange, or otherwiſe diſpoſe of any ſuch ſalt to any perſon or perſons, or in any county, city, or place whatſoever within this kingdom, otherwiſe than by weight, and not by meaſure, or in any other manner.

White ſalt to be diſpoſed of only by weight,

XI. And if the ſalt ſo ſold be of the quantity of a buſhel or more, that then it be at the rate of ſix and fifty pounds weight to the buſhel; and ſo in proportion for a greater quantity: alſo that every miller, meal man, or other perſon whatſoever ſelling flour, meal, cuttlings, or any other ſort of ground corn by retail, ſhall ſell the ſame by weight, and not by meaſure, or in any other manner whatſoever.

at 56 lb. to the buſhel.

Meal, flour, and all ground corn to be ſold by weight.

11 *G.* 2. 11.
19 *G.* 2. 17.
25 *G.* 2. 15.
29 *G.* 2. 11.

XII. And

A D. 1705. Chap. 14.

XII. And that every perſon offending therein ſhall for every ſuch offence forfeit any ſum, not exceeding five ſhillings, to him or her who ſhall proſecute for the ſame, to be recovered by diſtreſs or ſale of the goods of the offender by warrant of a juſtice of the peace or other chief magiſtrate; and for want of goods ſufficient to pay the ſame, to be ſet in the ſtokes for the ſpace of two hours.

Penalty 5 s. to proſecutor, in default of diſtreſs, to be ſet in ſtocks.

XIII. And be it further enacted by the authority aforeſaid, That the forfeitures and offences, made and committed againſt this act as to the ſelling of ſalt and meal, ſhall be heard and determined by any one juſtice of the peace of the ſaid county, or by the chief magiſtrate of the town, where ſuch forfeiture ſhall be made or offence committed; who are hereby required to hear, adjudge, and determine the ſame, upon the confeſſion of the party accuſed, or by the oath or oaths of one or more credible witneſs or witneſſes; and if the party finds him or herſelf aggrieved by the judgment given by ſuch juſtice of the peace or magiſtrate, the ſaid party ſhall and may appeal to the juſtices of the peace at the next quarter-ſeſſions, whoſe determination therein ſhall be concluſive.

Offences in ſelling ſalt and meal determinable by one juſtice or chief magiſtrate:

appeal to ſeſſions.

XIV. And be it further enacted by the authority aforeſaid, That all white ſalt, imported into this kingdom for the future, ſhall pay her Majeſty's duties by weight, and not by meaſure: (that is to ſay) fifty ſix pounds of white ſalt ſhall be accounted a buſhel; and that the ſame duty ſhall be paid for every fifty ſix pounds weight of white ſalt as is now payable for a buſhel; and that ſixty five pounds of rock ſalt ſhall be accounted a buſhel; and that the ſame duty ſhall be paid for every ſixty five pounds of rock ſalt as is now payable for a buſhel of rock ſalt.

White ſalt imported to pay duty by weight.

56 lb. a buſhel.

Rock ſalt 65 lb. a buſhel, and the ſame duty.

XV. This act, as to ſo much thereof as relates to the buying and ſelling of ſalt and meal by weight; and as to ſo much thereof as relates to the making her Majeſty's duties on white and rock ſalt payable by weight; as alſo that ſixty five pounds of rock ſalt ſhall be accounted a buſhel, and fifty ſix pounds of white ſalt be eſteemed a buſhel; and the duties to be paid for ſuch reſpective weights thereof as aforeſaid, for a buſhel of the ſaid ſeveral ſalts, to continue until the end of the next ſeſſions of Parliament and no longer.

Continuance as to ſalt and meal, by weight, and the duty by weight, &c. till end of next ſeſſion.

6 *Anne* 12. made perpetual.

THE

A. D. 1707.

THE SIXTH YEAR OF ANNE.

CHAP. I.

An Act for granting to her Majeſty an additional duty on beer, ale, ſtrong waters, tobacco, callicoes, linens, muſlins, and other goods and merchandizes.

WE your Majeſty's loyal ſubjects, the commons in Parliament aſſembled, having a dutiful ſenſe of your Majeſty's great care to contribute to the good of all your ſubjects, and to unite them in love and affection, and to provide for their ſecurity againſt foreign and domeſtick enemies, in humble acknowledgement of the bleſſings they receive under your Majeſty's moſt auſpicious government, and for the ſupport of the eſtabliſhment, have chearfully, readily, and unanimouſly given and granted, and do hereby give and grant, to your Majeſty the ſeveral rates and additional duties of exciſe herein after mentioned; and therefore do moſt humbly beſeech your Majeſty, that it may be enacted, and be it enacted by the Queen's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That from and after the twenty ninth day of September one thouſand ſeven hundred and ſeven there ſhall be throughout this your Majeſty's kingdom of Ireland raiſed, levied, collected, and paid by way of exciſe to your Majeſty, your heirs and ſucceſſors, during the ſpace of one year and three quarters of a year, commencing the twenty ninth day of September one thouſand ſeven hundred and ſeven, and ending the twenty fourth day of June, which will be in the year of our Lord one thouſand ſeven hundred and nine, for and upon all beer, ale, ſtrong waters, to be brewed or made within this kingdom for ſale, and upon all tobacco, muſlins, linens, white, painted, and ſtained callicoes, and upon ſilks and ſtuffs made or manufactured in Perſia, China, or the Eaſt Indies, which ſhall be imported into this kingdom within the time above limited, the ſeveral rates and duties herein after mentioned: (that is to ſay) for every thirty two gallons of beer or ale, of above ſix ſhillings the barrel price, brewed within this kingdow by the common brewer, or in his veſſels, or by any other perſon or perſons who doth or ſhall ſell or tap out beer or ale publickly or privately, one ſhilling and ſix pence; to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity: for every thirty two gallons of beer or ale of ſix ſhillings the barrel or

A. D. 1707. Chap. 1.

under, brewed within this realm by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, three pence; to be paid by the common brewer, or ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity: for every gallon of *aqua vitæ*, ſtrong waters, or ſpirits, made or diſtilled within this realm for ſale, the ſum of three pence; to be paid by the firſt maker or diſtiller thereof: for every pound weight of tobacco imported during the time aforeſaid into this realm, three pence half penny: for every yard of muſlin or any ſort of linen imported into this kingdom, the ſum of ſix pence: for every yard of white, painted, or ſtained callicoes, and of all ſilks and ſtuffs made or manufactured in Perſia, China, or the Eaſt Indies, imported into this kingdom during the time aforeſaid, the ſum of one ſhilling and ſix pence.

II. And be it further enacted by the authority aforeſaid, That the ſaid ſeveral duties, rates, and impoſitions hereby granted and charged as well upon beer, ale, ſpirits, *aqua vitæ*, and ſtrong waters, as upon tobacco, muſlins, linen, callicoes, ſilks, and ſtuffs, ſhall be raiſed, levied, collected, and paid to her Majeſty, her heirs and ſucceſſors, during the time aforeſaid, over and above all other duties payable for the ſame by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by virtue of one other act made in the ſaid fourteenth year of the reign of the ſaid King Charles, intituled, *An Act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of this kingdom of Ireland, according to a book of rates hereunto annexed.*

1 *W. & M.* 22. *Eng.*

III. And for the advantage of trade, and encouragement of tillage and manufacture of this realm, be it further enacted by the authority aforeſaid, That from and after the twenty ninth day of September in the year of our Lord God one thouſand ſeven hundred and ſeven it ſhall and may be lawful for any perſon in any ſea-port, or upon any navigable river, to export and ſhip off as merchandize within any of the uſual and allowed ports by law, and at the common keys for exportation and lading on board of merchandize, or quays to be appointed for that purpoſe, and within the uſual hours of exciſe, for accompt of himſelf or any other to be exported into foreign parts, in the preſence of a ſworn guager, or other ſworn officer, to be appointed by the farmers, commiſſioners, or ſub-commiſſioners of her Majeſty's exciſe, upon notice thereof to them given at the office of exciſe, within the limits whereof the ſaid ale or beer was brewed or made, of the reſpective port or place whence the ſame ſhall be ſhipped, any ſort of ſtrong ale or ſtrong beer to be ſent beyond the ſeas; which ſaid gauger or officer aforeſaid ſhall certify the quantity of the ſaid beer or ale ſhipped off to the commiſſioners or officers of exciſe, where the entry thereof ſhall be made, who are hereby required to make allowance, or repay the exciſe of the beer or ale ſo exported, unto the perſon or perſons exporting the ſame, within one month after ſuch exportation.

Liberty to export ſtrong beer or ale on notice to exciſe-officer.

Certificate of quantity.

Allowance of exciſe.

IV. And be it further enacted by the authority aforeſaid, That if any merchant, or maſter of any ſhip or veſſel, or other perſon, ſhall cauſe or ſuffer any of the ſaid liquors, ſo ſhipped in any veſſel as merchandize, to be fraudulently unſhipped, unladen, laid on land,

Fraudulently unſhipt, &c. forfeited; and 50 l. *per* caſk.

land, or put into any other ſhip or veſſel within this kingdom, he or they ſhall forfeit the ſame, and fifty pounds *ſterling* more for every caſk he or they ſhall ſo unduly land, or put on board any veſſel; to be recovered in any of her Majeſty's courts of record in this kingdom, by information, bill, or plaint; the one moiety of which forfeiture ſhall be to the uſe of the Queen's moſt excellent Majeſty, the other moiety to the informer or proſecutor; and to the intent her Majeſty's duty of exciſe may not be prejudiced by ſuch beer or ale, as ſhall be ſpent on ſhipboard, her Majeſty's commiſſioners and officers of the cuſtoms are hereby required and enjoined to charge every maſter of any ſhip or veſſel in his victualling bill with ſo much beer or ale, and no more, as ſuch number of men uſe to ſpend in ſuch voyages; the exciſe whereof to be recovered according to the laws and rules already eſtabliſhed.

A. D. 1707. Chap. I.

to Queen and proſecutor.

Maſter charged in victualling bill with ſo much as uſually ſpent in ſuch voyage.

V. And be it further enacted by the authority aforeſaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauſes, matters, and things, which in and by the ſaid act of Parliament, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heir's and ſucceſſors, according to the book of rates therein inſerted*, are provided, ſettled, or eſtabliſhed, for raiſing, levying, collecting, recovering, adjudging, or aſcertaining the duties thereby granted, ſhall be exerciſed, practiſed, applied, uſed, levied, recovered, and put in execution, for the raiſing, levying, collecting, recovering, and paying all and ſingular the duties and impoſitions by this act granted and impoſed upon the ſeveral liquors and other commodities herein mentioned and expreſſed, as fully and effectually to all intents and purpoſes as if all and every of the ſaid powers, authorities, rules, directions, methods, penalties, forfeitures, clauſes, matters, and things, were particularly repeated and again enacted in the body of this preſent act, with the like liberty to appeal to and for the party grieved as in and by the ſaid act of exciſe is provided.

VI. And be it further enacted by the authority aforeſaid, That the ſeveral ſums hereafter mentioned be paid out of the aforeſaid additional duties and aids to the perſons hereafter named: (that is to ſay) two hundred pounds *ſterl.* to Thomas Tilſon the elder eſq; clerk of the houſe of commons; one hundred pounds *ſterl.* to Thomas Tilſon the younger, another of the clerks of the houſe of commons; fifty pounds to Bruen Worthington clerk aſſiſtant; and fifty pounds *ſterl.* to Fauſtin Cuppaidge eſq; late clerk aſſiſtant; and one hundred pounds to Richard Povey eſq; ſerjeant at arms attending the commons; and fifty pounds *ſterl.* to George Spike door-keeper of the commons, as a reward for their ſeveral ſervices and attendance in the two former ſeſſions of this preſent Parliament; and that a further ſum of two hundred pounds be given to the ſaid Thomas Tilſon ſenior, and the ſum of one hundred pounds *ſterl.* to the ſaid Thomas Tilſon junior; and a further ſum of one hundred pounds *ſterl.* to Bruen Worthington, clerk aſſiſtant to the commons; and a further ſum of one hundred and fifty pounds *ſterl.* to Richard Povey eſq; ſerjeant at arms; and a further ſum of fifty pounds *ſterl.* to George Spike, door-keeper to the commons, as rewards for their ſeveral ſervices and attendance this ſeſſion of Parliament; and alſo the ſum of two hundred pounds *ſterl.* to Daniel Golborne, the clerk attending the committee of accompts and other committees, as a reward for his attendance and ſervice the two laſt and this preſent ſeſſion of Parliament; and alſo the ſum of nineteen hundred and ninety ſeven pounds four ſhillings *ſterl.* principal money, to Charles Rickeſies eſq; in full of all demands due to him from the crown; which ſaid ſeveral ſums are to be paid by the vice-treaſurer, or receiver-general of this kingdom without any further or other warrant to be ſued for, had, and obtained in that behalf.

CHAP.

CHAP. II.

An Act for the publick regiſtring of all deeds, conveyances, and wills that ſhall be made of any honors, manors, lands, tenements, or hereditaments.

2 & 3 *Anne* 4 *Eng.* 5 *Anne* 18. *Eng.* 6 *Anne* 35 *Eng.* 7 *Anne* 20 *Eng.* * 8 *Anne* 10 8 *G.* 1. 15. 5 *G.* 2. 4.

To ſecure purchaſers and prevent forgeries, & frequently practiſed, eſpecially by papiſts,

FOR ſecuring purchaſers, preventing forgeries, and fraudulent gifts and conveyances of lands, tenements, and hereditaments, which have been frequently practiſed in this kingdom, eſpecially by papiſts, to the great prejudice of the proteſtant intereſt thereof, and for ſettling and eſtabliſhing a certain method with proper rules and directions for regiſtring a memorial of all deeds and conveyances, which from and after the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and eight ſhall be made and executed, and of all wills and deviſes in writing made, or to be made, and publiſhed, where the deviſor or teſtatrix ſhall die after the ſaid twenty fifth day of March one thouſand ſeven hundred and eight, for or concerning any honors, manors, lands, tenements, or hereditaments in this kingdom: We pray that it may be enacted, and be it enacted, by the Queen's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That one publick office for regiſtring memorials of deeds and conveyances, wills and deviſes, ſhall be eſtabliſhed and kept in the city of Dublin, to be managed and executed by a fit and able perſon, or his ſufficient deputy; ſuch perſon to be from time to time nominated and appointed by the Queen's Majeſty, her heirs and ſucceſſors, and to continue in the ſaid office for ſo long time as he ſhall faithfully and honeſtly demean himſelf therein.

A publick office for regiſtring memorials of deeds and wills kept in Dublin,

regiſter appointed by the Queen, during good behaviour.

II. And be it further enacted by the authority aforeſaid, That upon the death of any ſuch regiſter, and until another perſon be nominated and appointed in manner aforeſaid, the executors or adminiſtrators of the regiſter deceaſed together with the ſureties for the ſaid regiſter, or their executors or adminiſtrators, ſhall appoint a proper perſon to execute the office of regiſter; for whoſe demeanor in the execution of the ſaid office the ſecurity, given for ſuch regiſter deceaſed, ſhall be anſwerable.

On regiſter's deceaſe, his executors and ſureties may appoint till another appointed.

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* Some words are wanting, which are in the ſaid Engliſh acts, whereby wills, unleſs memorial regiſtered purſuant thereto, are void againſt ſubſequent purchaſer or mortgagee, &c.

III. And

III. And be it further enacted by the authority aforeſaid, That a memorial of all deeds and conveyances, which from and after the twenty fifth day of March, in the year of our Lord one thouſand ſeven hundred and eight, ſhall be made and executed, and of all wills and deviſes in writing, made or to be made and publiſhed, where the deviſor or teſtatrix ſhall dye after the ſaid twenty fifth day of March one thouſand ſeven hundred and eight, for, or concerning, and whereby any honors, manors, lands, tenements or hereditaments within this kingdom may be any ways affected, may, at the election of the party or parties concerned, be regiſtred in ſuch manner as is herein after directed.

Memorial of all deeds and Wills after 25th of March 1708, may at election of the parties concerned be regiſtred as herein directed.

IV. And be it further enacted by the authority aforeſaid, That every ſuch deed or conveyance, a memorial whereof ſhall be duly regiſtered according to the rules and directions in this act preſcribed, ſhall, from and after the ſaid twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and eight, be deemed and taken as good and effectual both in law and equity, according to the priority of time of regiſtring ſuch memorial for and concerning the honors, manors, lands, tenements, and hereditaments in ſuch a deed or conveyance mentioned or contained, according to the right, title, and intereſt of the perſon or perſons ſo conveying ſuch honors, manors, lands, tenements, and hereditaments, againſt all and every other deed, conveyance, or diſpoſition of the honors, manors, lands, tenements or hereditaments, or any part thereof comprized or contained in any ſuch memorial as aforeſaid.

Every ſuch deed or conveyance effectual according to priority of time of regiſtring, againſt all other diſpoſitions.

V. And be it further enacted by the authority aforeſaid, That every deed or conveyance not regiſtred, which ſhall be made and executed from and after the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and eight, of all or any of the honors, manors, lands, tenements, or hereditaments comprized or contained in ſuch a deed or conveyance, a memorial whereof ſhall be regiſtered in purſuance of this act, ſhall be deemed and adjudged as fraudulent and void, not only againſt ſuch a deed or conveyance regiſtred as aforeſaid, but likewiſe againſt all and every creditor and creditors by judgment, recognizance, ſtatute-merchant, or of the ſtaple, confeſſed, acknowledged, or entered into from and after the twenty fifth day of March aforeſaid, as for and concerning all or any of the honors, manors, lands, tenements, or hereditaments, contained or expreſſed in ſuch memorial regiſtred as aforeſaid.

Deeds not regiſtered fraudulent and void againſt deeds regiſtered, and creditors by judgment, &c.

VI. And be it further enacted by the authority aforeſaid, That all and every memorial, ſo to be entered or regiſtered, ſhall be put into writing in vellum or parchment, and directed to the regiſter of the ſaid office; and in caſe of deeds and conveyances, ſhall be

Memorials to be written in vellum or parchment, directed to regiſter.

A. D. 1707. Chap. 2.

under the hand and ſeal of ſome or one of the grantors, or ſome or one of the grantees, his, her, or their guardians or truſtees atteſted by two witneſſes, one whereof to be one of the witneſſes to the execution of ſuch deed or conveyance; which witneſs ſhall by affidavit to be made before the ſaid regiſter or his deputy, who is hereby impowered and required to adminiſter ſuch oath, prove the ſigning and ſealing of ſuch memorial, and the execution of the deed or conveyance mentioned in ſuch memorial, and the day and time of the delivery of ſuch memorial, to the regiſter or his deputy: and in caſe of wills, the memorial ſhall be under the hand and ſeal of ſome or one of the deviſees, his, her, or their guardians or truſtees, atteſted by two witneſſes, one whereof ſhall by affidavit, to be made before the ſaid regiſter or his deputy, prove the ſigning and ſealing of ſuch memorial; which reſpective affidavit the ſaid regiſter or his deputy is hereby impowered to take, and is hereby directed to file and enter in a book to be kept for that purpoſe.

Of deeds under hand and ſeal of one grantor or grantee, guardian or truſtee, and two witneſſes, whereof one a witneſs to the deed, who by affidavit ſhall prove ſigning, ſealing, and delivery of memorial to regiſter and execution of the deed.

Of wills, under hand and ſeal of one deviſee, guardian or truſtee, and two witneſſes, one whereof by affidavit to prove ſigning and ſealing the memorial.

8 *G.* 1. 15. *Heirs*, &c. *may ſign memorial.*

VII. And be it further enacted by the authority aforeſaid, That every memorial of any deed, conveyance, or will, ſhall contain the day of the month and the year when ſuch deed, conveyance, or will bears date, and was perfected, and the names and additions of all the parties to ſuch deed or conveyance, and of the deviſor or teſtatrix of ſuch will, and of all the witneſſes to ſuch deed, conveyance, or will, and ſhall expreſs or mention the honors, manors, lands, tenements, or hereditaments contained in ſuch deed, conveyance, or will, and the names of all the counties, baronies, cities, towns corporate, pariſhes, townſhips, hamlets, villages, precincts, within this kingdom, where any ſuch honors, manors, lands, tenements, or hereditaments are lying and being, that are given, granted, conveyed, deviſed, or any way affected or charged by any deed, conveyance, or will, in ſuch manner as the ſame are expreſſed or mentioned in ſuch deed, conveyance, or will, or to the ſame effect; and that every ſuch deed, conveyance, or will, or probate of the ſame, of which ſuch memorial is to be regiſtered as aforeſaid, ſhall be produced to the ſaid regiſter, or his deputy, at the time of entering ſuch memorial, who ſhall endorſe a certificate on every ſuch deed, conveyance, and will, or probate thereof, and therein mention the certain day and time, on which ſuch memorial is ſo entered and regiſtered, expreſſing alſo in what book, page and number the ſame is entered, and that the ſaid regiſter or his deputy ſhall ſign the ſaid certificate when ſo endorſed: which certificate ſhall be taken and allowed as evidence of ſuch reſpective regiſtries in all courts of record whatſoever; and that every page of ſuch regiſter books, and every memorial, that ſhall

Memorial to contain the day and year of the deed or will, names and additions of parties, and of deviſor and all the witneſſes, lands, &c. and counties, &c. where ſituate.

The deed, &c. to be produced at time of entering memorial,

8 *Anne* 10.

Regiſter to indorſe and ſign certificate, of the time of entering, the book, page and number.

Certificate evidence of regiſtry.

be entered therein, ſhall be numbered, and the day of the month and the year when every ſuch memorial is regiſtred ſhall be entered in the margines of the ſaid regiſter-books, and of the ſaid memorial; and that every ſuch regiſter ſhall keep an alphabetical kalendar of all counties, baronies, cities, towns corporate, pariſhes, and townſhips within this realm, with reference to the number of every memorial, that concerns the honors, manors, lands, tenements, or hereditaments in every ſuch county, barony, city, town corporate, pariſh or townſhip reſpectively, and of the names of the parties mentioned in ſuch memorial and that ſuch regiſter, or his deputy, ſhall duly file every ſuch memorial in order of time, as the ſame ſhall be brought to the ſaid office, and enter or regiſter the ſaid memorials in the ſame order that they ſhall reſpectively come to his hands.

A. D. 1707. Chap. 2.

The page and memorial numbered, and the day entered in margin.

Regiſter to keep alphabetical kalendar, and file every memorial in order of time.

VIII. And be it further enacted by the authority aforeſaid, That every ſuch regiſter, before he enter upon the execution of the ſaid office, ſhall be ſworn before the lord chief baron, or ſome other of the barons of her Majeſty's court of Exchequer, who are hereby required to adminiſter ſuch oath in theſe words:

Regiſter firſt to take an oath in Exchequer,

You ſhall truly and faithfully perform and execute the office and duty, that is directed and required by act of Parliament, in regiſtring memorials of deeds, conveyances, and wills within this kingdom, ſo long as you ſhall continue in the ſaid office.

So help you God.

and alſo his deputy.

And that when and as often as the ſaid regiſter ſhall appoint any deputy to execute the ſaid office, ſuch deputy ſhall before he enter on the execution thereof take the ſaid oath before the lord chief baron, or ſome other of the barons of her Majeſty's court of Exchequer, who are hereby required to adminiſter the ſame; and that every ſuch regiſter, at the time of his being ſworn into the ſaid office, ſhall alſo enter into a recognizance with two or more ſufficient ſureties, to be approved of by the lord chief baron, or ſome other of the barons of her Majeſty's court of Exchequer, of the penalty of twenty thouſand pounds unto her Majeſty, her heirs and ſucceſſors, to be taken by the ſaid lord chief baron, or ſome other of the ſaid barons, conditioned for his true and faithful performance of his duty in the execution of his ſaid office; the ſame to be kept and to remain in the office of her Majeſty's remembrancer of the Exchequer amongſt the records of the ſaid court.

Regiſter alſo to give ſecurity of 20000 l. for true performance.

IX. Provided nevertheleſs, and be it further enacted by the authority aforeſaid, That when any regiſter ſhall dye, or ſurrender his office, and that within the ſpace of three years from and after

No miſbehaviour appearing in three years after death or ſurrender of re-

A. D. 1707. Chap. 2.

after ſuch death or ſurrender no miſbehaviour appear to have been committed by ſuch regiſter in the execution of his ſaid office; then, and in ſuch caſe, at the end of the ſaid three years after his death or ſurrender, the ſaid recognizance ſo entered into by him, ſhall become void and of no effect to all intents and purpoſes whatſoever.

Regiſter, his recognizance void.

To attend daily, except holy-days, between nine and twelve in forenoon, three and ſix in afternoon, ſearch and give certificates if required. 8 *G.* 1. 15. *negative certificates.*

X. And be it further enacted by the authority aforeſaid, That every ſuch regiſter, or his ſufficient deputy, ſhall give due attendance at his office every day in the week, except ſundays and holy-days, between the hours of nine and twelve in the forenoon, and between the hours of three and ſix in the afternoon, for the diſpatch of all buſineſſes belonging to the ſaid office: and that every regiſter or his deputy, as often as required, ſhall make ſearches concerning all memorials that are required as aforeſaid, and give certificates concerning the ſame under his hand, if required by any perſon.

Fee for entry 6 d. if not above 100 words: if above 3 d. *per* hundred. The like for certificate or copy. For ſearch 6 d.

XI. And be it further enacted by the authority aforeſaid, That every ſuch regiſter ſhall be allowed for the entry of every ſuch memorial, as is by this act directed, the ſum of ſix pence and no more, in caſe the ſame do not exceed one hundred words; but if ſuch memorial ſhall exceed one hundred words, then after the rate or proportion of three pence a hundred for all the words contained in ſuch memorial over and above the firſt one hundred words, and the like fees for the like number of words contained in every certificate or copy given out of the ſaid office, and no more; and for every ſearch in the ſaid office ſix pence and no more.

For neglect or undue practice forfeiture of office, and treble damages with full coſts.

XII. And be it further enacted by the authority aforeſaid, That if any ſuch regiſter, or his deputy, ſhall neglect to perform his or their duty in the execution of the ſaid office, according to the rules and directions in this act mentioned, or commit or ſuffer to be committed any undue or fraudulent practice in the execution of the ſaid office, and be thereof lawfully convicted, that then ſuch regiſter ſhall forfeit his ſaid office, and pay treble damages, with the full coſts of ſuit, to every ſuch perſon or perſons as ſhall be injured thereby; to be recovered by action of debt, bill, plaint, or information in any of her Majeſty's courts of record at Dublin, wherein no eſſoign, protection, privilege of Parliamen, or wager of law ſhall be allowed, nor any more than one imparlance.

Perſons named during vacancy, to take ſame oath,

XIII. And be it further enacted by the authority aforeſaid, That the perſon to be nominated as aforeſaid upon the death of any regiſter to execute the ſaid office, during the time the ſame ſhall be vacant as aforeſaid, ſhall before he enter on the execution thereof take the oath, herein before appointed to be

taken

taken by ſuch regiſter or his deputy, before the lord chief baron, or ſome other of the barons of her Majeſty's court of Exchequer, who are hereby required to adminiſter ſuch oath: and that if ſuch perſon ſo nominated ſhall be lawfully convicted of any neglect, miſdemeanor, fraudulent practice in the execution of the ſaid office during ſuch vacancy, he ſhall be liable to pay treble damages, with full coſts of ſuit to every perſon that ſhall be injured thereby, to be recovered as aforeſaid.

A. D. 1707. Chap. 2.

and liable to ſaid damages.

XIV. Provided alſo, and be it further enacted by the authority aforeſaid, That this act ſhall not extend to any leaſe or leaſes for years not exceeding twenty one years, where the actual poſſeſſion goeth along with the ſaid leaſe, any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

Not to extend to leaſes not exceeding twenty one years, where actual poſſeſſion.

XV. Provided always, and be it further enacted by the authority aforeſaid, That where there are more writings than one for making and perfecting any conveyance or ſecurity, which do name, mention, or any ways affect or concern the ſame honors, manors, lands, tenements, or hereditaments, it ſhall be a ſufficient memorial and regiſter thereof, if all the ſaid honors, manors, lands, tenements, or hereditaments, and the counties, baronies, cities, towns corporate, pariſhes, town-ſhips, hamlets, villages, where the ſame lye, be only once named or mentioned in the memorial, regiſter, and certificate of any of the deeds or writings made for the perfecting of ſuch conveyance or ſecurity; and that the dates of the reſt of the ſaid deeds or writings relating to the ſaid conveyance or ſecurity, with the names and additions of the parties, and witneſſes, and the places of their abode, be only ſet down in the memorials, regiſters, and certificates of the ſame, with a reference to the deed or writing, whereof the memorial is ſo regiſtred, that contains or expreſſes the parcels mentioned in all the ſaid deeds, and directions how to find the regiſtring the ſame.

Where more writings than one for perfecting a conveyance, ſufficient if all the lands, counties, &c. once mentioned in the memorial, and that the dates of the reſt of the writings, names, &c. of the parties and witneſſes, be only ſet down, with reference to the writing whereof memorial is regiſtered.

XVI. And be it further enacted by the authority aforeſaid, That a memorial of ſuch deeds, conveyances, and wills, as ſhall be made, and executed, and publiſhed in any place not within ſixty miles of the city of Dublin, ſhall be entred or regiſtred by the aforeſaid regiſter or his deputy, in caſe an affidavit ſworn before any one of the judges at the aſſizes, or before the juſtices of the peace in open court at the general quarter-ſeſſions, or before a perſon commiſſioned, purſuant to a late act of Parliament for taking affidavits in the country in the preſence of two or more juſtices of the peace of the ſame county, who are hereby required to ſubſcribe their names as witneſſes to the taking of ſuch

Memorial of deeds, &c. made above ſixty miles from Dublin ſhall be regiſtered, if an affidavit brought to the regiſter ſworn before judge of aſſizes, or at ſeſſions, or commiſſioner for affidavits in preſence of two juſtices, one of the

A. D. 1707. Chap. 2.

ſuch affidavit, be brought with the ſaid memorial to the ſaid regiſter, or his deputy; wherein one of the witneſſes to the execution of ſuch deeds and conveyances ſhall ſwear he or ſhe ſaw the ſame executed, and the memorial ſigned and ſealed as aboveſaid, or wherein one of the witneſſes to the memorial of any will ſhall ſwear he or ſhe ſaw ſuch memorial ſigned and ſealed as aboveſaid; and the ſame ſhall be a ſufficient authority to the ſaid regiſter or his deputy to give the party, who brings ſuch memorial and affidavit to be filed and entred as aforeſaid, a certificate of the regiſtring ſuch memorial; which certificate, ſigned by the ſaid regiſter of his deputy, ſhall be taken and allowed as evidence of the regiſtries of the ſame memorials in all courts of record whatſoever; any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

witneſſes to the execution ſwearing he ſaw the ſigning, &c.

and a certificate ſhall be given,

which evidence of regiſtry.

XVII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time forge or counterfeit any ſuch memorial or certificate, as are herein before mentioned and directed, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur and be liable to ſuch pains and penalties, as in and by an act of Parliament made in the twenty eight year of the reign of Queen Elizabeth of bleſſed memory, intituled, *An act againſt forging evidences*, are impoſed upon offenders therein mentioned; and that if any perſon or perſons ſhall at any time forſwear himſelf before the ſaid regiſter, or his deputy, in any of the caſes aforeſaid, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur and be liable to the ſame penalties, as if the ſame oath had been made in any of the courts of record at Dublin.

Forging memorial or certificate, liable to penalty, 28 *Eliz.* 3.

Perjury, liable to penalties, as if in court of record at Dublin.

XVIII. Provided always, that in caſe the deviſee, or perſon or perſons intereſted in the honors, manors, lands, tenements, or hereditaments deviſed by any ſuch will as aforeſaid, by reaſon of the conteſting ſuch will, or other inevitable difficulty, without his, her, or their wilful neglect or default, ſhall be diſabled to exhibit a memorial for the regiſtering thereof within the reſpective times herein before limited; then, and in ſuch caſe the regiſtry of the memorial within the ſpace of ſix month next after his, her, or their attainment of ſuch will or probate thereof, or removal of the impediment, whereby, he, ſhe, or they, are diſabled or hindered to exhibit ſuch memorial, ſhall be a ſufficient regiſtry within the meaning of this act; any thing herein contained to the contrary thereof notwithſtanding.

Deviſee without wilful default diſabled to exhibit memorial; regiſtry in ſix months after attainment of will or probate, or removal of impediment, ſufficient.

XIX. And be it further enacted by the authority aforeſaid, That all perſons, that ſhall be regiſters, and alſo all perſons, in truſt for whom ſuch office ſhall be granted, ſhall be reſident in

If regiſter out of the kingdom, above three months in one

this kingdom at l[illegible] months in every year: and if such registers or pe[illegible] for whom such office shall be granted, shall absent him or themselves out of this kingdom for more than three months in any one year, except in case of sickness requiring his going or staying beyond the sea for the recovery of his health, the said office to be void; any precedent grant thereof to the contrary notwithstanding. A. D. 1707. year, except for recovery of health, the office void. *A publick act by the* 8 *Anne* 10.

CHAP. III.

An Act for continuing an act made in the ninth year of the reign of the late King William, intituled, An act for the more easie obtaining partitions of lands in coparcenary, joint-tenancy, and tenancy in common, and bounding and mearing of lands.

WHEREAS in a Parliament held, in the ninth year of the reign of the late King William, of glorious memory, a statute was made, intituled, *An act for the more easie obtaining partitions of lands in coparcenary, joynt-tenancy, and tenancy in common, and bounding and mearing of lands*; which act is now expired, but by experience hath been found to be a good and profitable law for this kingdom, and fit to be continued and made perpetual: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by authority of the same, That the said statute, and all and every the branches and clauses in the same contained, are hereby continued, and shall from henceforth be, remain, and continue in force and effect for ever. 9 *W.* 3. 12. made perpetual.

II. Provided always, and be it enacted by the authority aforesaid, That notwithstanding any thing in this or the former act mentioned or contained to the contrary, every of the said joint-tenants, or tenants in common, and their heirs, after such partition made, shall and may have aid of the other, or of their heirs, to the intent to deraigne the warranty paramount, and to recover for the rate, as is used between coparcenors after partition, made by the order of the common law; any thing in this or the said former act contained to the contrary notwithstanding. Joint tenant or tenant in common after partition to have aid of the other as between coparceners after partition at common law. 33 *H.* 8. 10. *sess.* 1.

CHAP.

A. D. 1707.

CHAP. IV.

An act to prevent the deſtroying and murthering of baſtard children.

21 J. 1. 27. Eng.

WHEREAS many lewd women, who have been delivered of baſtard children, to avoid their ſhame, and to eſcape puniſhment, do ſecretly bury or conceal the death of their children; and after, if the child be found dead, the ſaid women do alledge that the ſaid child was born dead; whereas it falleth out ſometimes (although hardly it is to be proved) that the ſaid child or children were murthered by the ſaid women, their lewd mothers, or by their aſſent or procurement: for the prevention therefore of this great miſchief, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any woman after the firſt day of November, which ſhall be in this preſent year one thouſand ſeven hundred and ſeven, be delivered of any iſſue of her body, male or female, which, being born alive, ſhould by the laws of this realm be a baſtard, and that ſhe endeavour privately, either by drowning or ſecret burying thereof, or any other way, either by herſelf, or the procuring of others, ſo to conceal the death thereof as that it may not come to light, whether it were born alive or not, but be concealed; in every ſuch caſe the mother ſo offending ſhall ſuffer death, as in caſe of murther, except ſuch mother can make proof by one witneſs at the leaſt, that the ſaid child, whoſe death was by her ſo intended to be concealed, was born dead.

Mother endeavouring to conceal death of her baſtard child, murder, unleſs ſhe proves by one witneſs that it was born dead.

CHAP. V.

An act for the amending and continuing an act, made in the ſecond year of the reign of her moſt excellent Majeſty, intituled, An act for the recovery of ſmall debts in a ſummary way before the judges of aſſize.

2 Anne 18.

WHEREAS in the firſt ſeſſion of this preſent Parliament, begun and held at Dublin the one and twentieth day of September, *anno domini* one thouſand ſeven hundred and three, in the ſecond year of the reign of our moſt gracious ſovereign lady Queen Anne, an act was made, intituled, *An act for the recovery of ſmall debts, in a ſummary way before the judges of aſſize*; which act by experience hath been found to be in moſt parts of it a good and profitable law for this kingdom, and is fit to be revived; but by the ſaid act, no perſon could

be

be ſued before the judges of aſſize in a ſummary way by an Engliſh bill, or paper petition in Engliſh, for rent due upon any leaſe of lands, or tenements, or any other real contract; which hath been a great diſadvantage to this kingdom: be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the twenty fourth day of June, in the year of our Lord one thouſand ſeven hundred and ſeven, it ſhall and may be lawful to and for the judges of aſſize in this kingdom, or any of them, in their reſpective circuits, commonly called the lent and ſummer aſſizes, or in either or any of them, and in the county palatine of Tipperary, and alſo to and for ſuch of her Majeſty's judges or council learned in the law, who ſhall with the juſtices of the peace for the county of Dublin hold the general quarter-ſeſſions of the peace for the ſaid county, at the general quarter-ſeſſions for the ſaid county to hear and determine in a ſummary way by an Engliſh bill, or paper petition in Engliſh, as well any debt for rent due upon any leaſe of lands, or tenements, or any other real contract, not exceeding ten pounds, as they might have heard and determined any other debt whatſoever purſuant to the ſaid act of Parliament; any thing therein contained to the contrary notwithſtanding; in which proceeding the defendent ſhall have the benefit of all matters in his defence, that he might have had, if he had been ſued in the ordinary forms of common law, or in any court of equity. A. D. 1707.

II. And be it further enacted by the authority aforeſaid, That the ſaid act, intituled, *An act for the recovery of ſmall debts in a ſummary way before the judges of aſſize*, and every clauſe therein, ſhall be and are hereby revived, and enacted to be and continue in force for ſix years, and from thence to the end of the next ſeſſion of Parliament; except that part only, which follows in theſe words, (viz.) "other then debt for rent, upon any leaſe of lands, or tenements, or any "other real contract," which ſaid clauſe is hereby repealed and altered as aforeſaid. Revived and continued ſix years, except the clauſe excluding *Debt* for rent, &c.

III. And be it further enacted by the authority aforeſaid, That all actions of aſumpſit, not exceeding five pounds, may be heard and determined in ſuch manner, and ſubject to ſuch regulations and methods, as by the ſaid former act are preſcribed touching ſuch actions, as were by virtue of the ſaid act to be heard and determined in a ſummary way, in ſuch manner as is therein contained. *Expired.*

CHAP. VI.

An Act to explain and amend an act, intituled, An act to prevent papiſts being ſollicitors.

WHEREAS by an act of Parliament made in this kingdom in the tenth year of the reign of his late Majeſty King William, of ever bleſſed memory, intituled, *An act to prevent papiſts being ſollicitors*, it is enacted "That from and af- "ter the firſt day of March, in the year of our Lord one thou- "ſand ſix hundred and ninety eight, no perſon or perſons ſhall "practiſe or act as ſollicitor in any court of law or equity, or as "agent or manager in any cauſe or ſuit in law or equity, or as "ſeneſchal or ſollicitor in all or any of the courts or offices "in this kingdom, not having firſt taken the oaths and ſub- "ſcribed the declaration in the ſaid act mentioned; and that any 1 *G.* 2. 20. 7 *G.* 2. 5. Recital of 10 *W.* 3. 13.

A. D. 1707. Chap. 6.

" perſon, who ſhall practiſe as aforeſaid before he ſhall have taken " the ſaid oaths and ſubſcribed the ſaid declaration, contrary to " the purport and meaning of the ſaid act, ſhall for every ſuch of- " fence forfeit the ſum of one hundred pounds, and be uncapable " to be executor or adminiſtrator, or to take any benefit by any " legacy, gift, or grant of any lands, tenements, hereditaments, " goods, or chattels whatſoever:" and whereas ſince the making the ſaid act ſeveral known papiſts of this kingdom have frequently and openly practiſed and acted as ſollicitors and agents in ſeveral ſuits and cauſes in law and equity, contrary to and in contempt of the ſaid act, the penalty of one hundred pounds being too ſmall, in reſpect of the great gains they make by their practice, and the difficulties attending the proſecution thereof are ſuch, that the miſchief, intended to be remedied by the ſaid act, remains unredreſſed: for remedy whereof, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That no papiſt, or reputed papiſt, be permitted, ſuffered, or allowed to practiſe or act as ſollicitor, agent, or manager in any ſuit of law or equity, in any of her Majeſty's four-courts in Dublin, the county palatine of Tipperary, or in any court of record in this kingdom, or in any eccleſiaſtical court, or court of admiralty, or as clerk in any ſheriffs office, or on any commiſſions iſſued out of any court of equity, before he ſhall have taken the oaths, and ſubſcribed the declaration in the ſaid act mentioned, as alſo the oath of abjuration following, in one of her Majeſty's four-courts in Dublin.

Notwithſtanding which papiſts act as ſolicitors, the penalty of 100*l.* too ſmall, and the proſecution difficult.

No papiſt to act as ſolicitor, *&c.* or ſheriffs clerk, or on commiſſion out of equity, before he takes the oaths, *&c.* in ſaid act, as alſo oath of abjuration following.

The oath.

I A. B. *do truly and ſincerely acknowledge, profeſs, teſtify, and declare in my conſcience, before God and the world, That our Sovereign Lady Queen Anne is lawful and rightful Queen of this realm, and of all other her Majeſty's dominions and countries thereunto belonging. And I do ſolemnly and ſincerely declare, that I do believe in my conſcience, that the perſon pretended to be prince of Wales during the life of the late King James, and ſince his deceaſe pretending to be, and taking upon himſelf, the ſtyle and title of, King of England, by the name of James the third, hath not any right or title whatſoever to the crown of this realm, or any other the dominions thereto belonging: and I do renounce, refuſe, and abjure any allegiance or obedience to him. And I do ſwear, that I will bear faith and true allegiance to her Majeſty Queen Anne; and her will defend to the utmoſt of my power againſt all traiterous conſpiracies and attempts whatſoever, which ſhall be made againſt her perſon, crown, or dignity. And I will do my beſt endeavour to diſcloſe and*

make known to her Majesty, and her successors, all treasons and traiterous conspiracies, which I shall know to be against her, or any of them. And I do faithfully promise to the utmost of my power to support, maintain, and defend the limitation and succession of the crown, against him the said James, and all other persons whatsoever, as the same is and stands limited by an act, intituled, An act declaring the rights and liberties of the subject, and settling the succession of the crown to her present Majesty, and the heirs of her body, being Protestants: *and as the same by one other act, intituled,* An act for the further limitation of the crown, and better securing the rights and liberties of the subject, *is and stands limited, after the decease of her Majesty, and for default of issue of her Majesty, to the princess Sophia, electoress and dutchess dowager of Hanover, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily, willingly, and truly, upon the true faith of a Christian.*

So help me God.

II. And be it further enacted by the authority aforesaid, That if any papist or reputed papist shall after the first day of Michaelmas term next presume to practise or act as sollicitor, agent, or clerk, contrary to the purport and meaning of this or the said former act, every person so offending shall for every such offence forfeit the sum of two hundred pounds, to be recovered in such manner as in and by the said former act is directed, and also incur and suffer the other penalties and disabilities in the said former act mentioned.

Penalty 200 l.

and also the other penalties in said act.

III. And for the greater ease of such person or persons as are minded to sue for the recovery of the said sum of two hundred pounds, be it further enacted by the authority aforesaid, That from and after the said first day of Michaelmas term next, it shall and may be lawful to and for any person or persons whatsoever, who shall see or know any papist or reputed papist to practise or act as sollicitor, agent, manager, or clerk, openly in any of the courts aforesaid, to demand and desire that the oaths and declaration herein before mentioned be forthwith tendred to him by the court; and in case the person or persons, so charged with practising or acting as aforesaid, shall then refuse to take the said oaths, and subscribe the said declaration, and proof be made by the testimony of two or more credible witnesses upon oath, to the satisfaction of the lord

Any person seeing or knowing a papist so acting, may desire the oaths, &c. to be tendered, and on refusal, and proof of his acting, he shall be recorded convict,

A. D. 1707. Chap. 6.

lord chancellor, or other judge or judges, before whom ſuch cauſe depends, that the perſon ſo charged hath acted as ſollicitor, agent, clerk, or manager, openly in the ſaid court before him, then, and in ſuch caſe, or upon the confeſſion of the party accuſed, the lord chancellor, or ſuch other judge or judges, ſhall order the perſon ſo refuſing to take the ſaid oaths, and ſubſcribe the ſaid declaration, to be recorded as a popiſh ſollicitor convict of the ſaid offence; and every ſuch perſon ſo recorded ſhall from thenceforth be taken, deemed, and adjudged, a popiſh ſollicitor convict of the ſaid offence, and ſhall forfeit to the perſon or perſons, at whoſe inſtance the ſaid oaths and declaration were ſo tendred to him, the ſaid ſum of two hundred pounds, and ſhall be committed in execution until he pay the ſame; and ſhall alſo incur and ſuffer the other penalties and diſabilities in the ſaid act mentioned.

and forfeit ſaid 200 l. to ſaid perſon, and committed till he pays;

and the other diſabilities.

IV. And be it further enacted by the authority aforeſaid, That no barriſter, attorney, officer, or other practiſer in law or equity, ſhall be allowed to inſiſt upon any privilege, ſo as to exempt, excuſe, or hinder them, or any of them, from giving their evidence or teſtimony, and anſwering on oath, as to their knowledge, in any matter that ſhall or may come in queſtion on any ſuit brought upon this or the ſaid former act.

No barriſter &c. exempt from giving teſtimony.

V. And foraſmuch as the ſafety and proſperity of this kingdom very much depends on the due execution of ſuch laws, as have been made for the ſecurity of the Proteſtant intereſt thereof; and that the ſame are in a great meaſure fruſtrated and rendred ineffectual by Papiſts being returned to ſerve on grand juries in the ſeveral counties of this kingdom, as alſo on petty juries for tryals of ſeveral offences committed by Papiſts, in breach and violation of ſuch laws: for remedy whereof be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of Michaelmas term next, no Papiſt ſhall ſerve on, or be returned to ſerve on, any grand jury in her Majeſty's court of Queen's-bench, or in any court before juſtices of aſſize, oyer and terminer, or goal-delivery, or quarter-ſeſſions, or in any court in the county Palatine of Tipperary, unleſs it ſhall appear to the juſtice or juſtices of ſuch court, that a ſufficient number of Proteſtants cannot be then had for that ſervice; and that in all tryals of iſſues on any preſentment, indictment, or information, or action on any of the ſaid ſtatutes, it ſhall and may be lawful to and for the proſecutor or plaintiff to challenge any Papiſt returned as juror to try the ſame, and aſſign for cauſe that the perſon ſo returned to ſerve is a Papiſt; which challenge the juſtice, judge, or judges, before whom the ſame ſhall be tryed, ſhall allow and adjudge the ſame to be a good and a loyal challenge.

No papiſt to ſerve on grand jury,

unleſs ſufficient number of proteſtants cannot be had.

And in trials on any ſtatute for ſecurity of proteſtant intereſt, the plaintiff may challenge a papiſt, which ſhall be allowed.

VI. And

A. D. 1707. Chap. 6.

VI. And be it further enacted by the authority aforeſaid, That no attorney, ſix-clerk, ſollicitor, officer, or deputy-officer, in any of the courts aforeſaid, ſhall after the ſaid firſt day of Michaelmas term next preſume to take, keep, or have any Papiſt, or reputed Papiſt, to be his apprentice or clerk; and that no officer or deputy-officer ſhall willingly and knowingly permit, ſuffer, or allow any ſuch popiſh ſollicitor, agent, or manager as aforeſaid to view, ſearch, or inſpect any of the records, pleadings, rules, orders, or entries, in his or their office or offices, or otherwiſe to practiſe or act as ſollicitor or agent there, upon pain and forfeiture for every ſuch offence fifty pounds, to be recovered by ſuch perſon or perſons as will ſue for the ſame, by writ, bill, plaint, or information, in any of her Majeſty's courts of Dublin; in which no eſſoin, privilege, or wager of law, or more than one imparlance ſhall be allowed.

No attorney, ſix-clerk, &c. to take papiſt apprentice, 7 G. 2. 5.

No officer knowingly to ſuffer them to inſpect records, pleadings, &c. or to practiſe, Penalty 50l. to proſecutor.

VII. And for the better encouragement of thoſe, who ſhall proſecute ſuch as ſhall offend againſt this or the ſaid former act; be it further enacted by the authority aforeſaid, That all and every perſon or perſons, who ſhall be ſued or proſecuted for any offence done againſt this or the ſaid former act, ſhall be kept and held by the court, in which he or they ſhall be ſued or proſecuted to ſpecial bail.

Offenders held to ſpecial bail.

VIII. Provided always, That nothing in this act contained ſhall be taken to extend to hinder any perſon or perſons, that was or were known as profeſſed common ſollicitors, managers, or agents, in any cauſe or cauſes, ſuit or ſuits, in any of the courts of this kingdom, in the reign of King Charles the ſecond, and that hath been adjudged to be comprehended within the articles of Limerick, made upon the ſurrender thereof, and hath taken the oath of abjuration before the firſt day of July one thouſand ſeven hundred and ſeven; any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

Not to hinder known ſolicitors in reign of *C.* 2. and comprehended in articles of Limerick, and having taken oath of abjuration before 1 July 1707.

IX. Provided always, That nothing in this act contained ſhall be taken to extend to prohibit any perſon or perſons, plaintiff or defendants, in his or their own ſuit or ſuits only, or to any menial ſervant, acting as ſuch for his maſter in his ſuit or ſuits only, in any of her Majeſty's courts of this kingdom, and for no other perſon whatſoever.

nor a perſon in his own ſuit only, or as menial ſervant to his maſter.

A. D. 1707.

CHAP. VII.

An Act for leſſening ſheriffs fees on executions.

3 G. 1. 15. Eng.

WHEREAS on executions by *elegits*, *fieri facias*, *capias ad ſatisfaciendum*, and on *liberatis*, writs of poſſeſſion, and other executions, the ſheriffs and other officers, having execution of writs, uſually demand great, exceſſive, and unlawful fees; for prevention whereof, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That no ſheriff or other officer having execution of writs ſhall, from and after the ſixth day of November in the year of our Lord one thouſand ſeven hundred and ſeven, receive or demand fees for executions either on judgments, ſtatutes, or otherwiſe, for more than what the party, at whoſe ſuit the execution iſſues, or his, or her, or their attorney or agent ſhall under his or her hand, certify to be juſtly due to him or her thereon; and that at the time any writ of execution ſhall be demanded or called for in any office in this kingdom, whence ſuch execution is to iſſue, the party demanding the ſame ſhall lodge with the officer a writing, or certificate, under the hand of the party or parties, for whom ſuch execution is demanded, or of his attorney, containing ſuch ſum as the party, at whoſe ſuit ſuch execution ſhall iſſue, demands and inſiſts on to be in good conſcience due to him, after all equitable deductions that ought to be made out of the ſum, for which the ſaid judgment is given; which certificate ſhall be filed in the ſaid office, and the ſum therein contained ſhall be entred in the book, where the executions are entred, and alſo on the foot of the writ of execution that ſhall iſſue; for all which the fee of twelve pence, and no more, ſhall be demanded or taken; and that no ſheriff or other officer having execution of writs ſhall, from and after the ſaid ſixth day of November in the year of our Lord one thouſand ſeven hundred and ſeven, levy any other or greater ſum, or demand or receive more fees on ſuch executions, than for ſuch ſum as ſhall be ſo entred on the foot of ſuch execution, notwithſtanding ſuch execution ſhall contain a greater ſum, than is ſo entred on the foot thereof; and that no execution ſhall be executed, at the foot of which ſuch entry ſhall not be made as is aforeſaid.

No officer to demand fees for executions for more than the party at whoſe ſuit or attorney certifies as due.

Party demanding execution, to lodge with officer certificate of the ſum due after all equitable deductions.

Said certificate to be filed, and the ſum entered in the book, and on foot of the writ.

Fee 12d.

No more fees on executions than for the ſum entered on the foot.

II. And be it further enacted by the authority aforeſaid, That in caſe on any ſuch execution the ſheriff, or any other officer, having executions of writs as aforeſaid, ſhall, after the ſaid ſixth day of November in the year of our Lord one thouſand ſeven hundred

hundred and ſeven, demand or receive fees for more than appears to be due by ſuch certificate, that ſuch ſheriff or under officer ſhall be liable to the action or ſuit of the party againſt whom ſuch execution iſſues, and ſhall forfeit and anſwer to the ſaid party, his, her, or their double damages: and that if the party or parties, at whoſe ſuit ſuch execution ſhall iſſue, or his, her, or their attorney or agent, ſhall neglect or omit to deliver an atteſted copy as aforeſaid of ſuch certificate, together with ſuch writs of execution, or ſhall appear willfully, fraudulently, and maliciouſly to have over-charged the party, againſt whom ſuch execution iſſues, in ſuch certificate given in or made by them, that the party, at whoſe ſuit ſuch execution iſſues, ſhall as aforeſaid forfeit and anſwer to the party grieved, his, her, or their treble damages; which ſaid execution ſhall be marked with the ſum contained in the ſaid certificate by the proper officer iſſuing ſuch execution.

A. D. 1707. Chap. 7.

Officer demanding or receiving more fees than due by ſuch certificate, Penalty double damages to the party.

Party at whoſe ſuit not delivering atteſted copy of certificate with the writ, or fraudulently overcharging, Penalty treble damages.

Execution to be marked with the ſum in certificate.

III. And be it likewiſe declared and enacted by the authority aforeſaid, That from and after the ſaid ſixth day of November in the year of our Lord one thouſand ſeven hundred and ſeven, on all executions by *capias ad ſatisfaciendum*, *fieri facias*, or *elegit*, where body, goods, or chattels are taken in execution, the ſheriff or other officer aforeſaid ſhall and may, after ſuch execution executed, demand and take for his fees for ſuch execution the ſum or poundage of twelve pence *per* pound for the firſt hundred pounds, and ſix pence *per* pound for every other hundred pounds, and ſo proportionably for any greater or leſſer ſum of what ſhall appear to be due to the party plaintiff by ſuch certificate, and no more, except only in caſe where goods and chattels only are taken in execution, which do not amount to the value of the plaintiffs debt or demand; and that in ſuch caſe the ſheriff, or other officer as aforeſaid, ſhall or may take fees or poundage, according to the above-mentioned rate, for ſo much only as the goods or chattels taken in execution ſhall be valued at or amount unto, and as he ſhall levy and pay over to the plaintiff.

Fees to officer on *cap. ſat. fier. fac.* or *elegit*, 12 d. *per* l. the firſt 100 l. 6 d. afterwards.

Where goods in execution amount not to the demand, fees only for ſo much.

IV. And be it further enacted by the authority aforeſaid, That from and after the ſaid ſixth day of November in the year of our Lord one thouſand ſeven hundred and ſeven, on executions by writs of *elegit*, *extendi facias*, *capias utlagatum*, *liberate*, and all other executions againſt lands, tenements, or hereditaments, where the ſame only ſhall be ſeized into the Queen's hands for the benefit of the ſubject, or legal poſſeſſion only ſhall be delivered, that the ſheriff or other officer aforeſaid ſhall and may demand and take the ſum of one pound ſix ſhillings and eight pence for executing the ſame, and no more or other fees of poundage, or otherwiſe: and that on executions by writ of *elegit*, *liberate*, and in all other caſes where actual poſſeſſion of lands, tenements, or here-

On execution againſt lands, where legal poſſeſſion only delivered, officer's fee 1 l. 6 s. 8 d.

A. D. 1707. Chap. 7.

hereditaments shall be delivered, the sheriff or other officer aforesaid shall and may demand and receive twelve pence in the pound, so as the said fees upon any one execution do not exceed the sum of five pounds; and in cases of *habere facias possessionem* the sum of two pounds ten shillings, and no more; which fees, and no more or other gratifications or reward, he shall and may receive, but shall not demand or receive the same, until the full writ or writs are duly and fully executed.

where actual possession, 12 d. *per* l. so as fees on one execution exceed not 5 l. and on *hab. fac.* 2 l. 10 s. not to receive said fees till writ fully executed.

V. And whereas through the great corruption and partiality of sub-sheriffs and their bailiffs it is now become very difficult to have any measne process or executions duly executed, but returns are made, that the party, against whom such process or execution issues, is not to be found, or that he hath no lands or goods, although the contrary be true: be it therefore enacted by the authority aforesaid, That from and after the said sixth day of November in the year of our Lord one thousand seven hundred and seven, where any sheriff shall on any measne process or execution return, that the person, against whom such measne process or execution issues, cannot be found, or that he hath not any goods or lands, that in such case the party plaintiff may take out the same, or any other, measne process or execution, directed to all or any the coroners of the said county, who shall and may execute the same without any further direction or regard to the said sheriffs; any former law, statute, or usage to the contrary notwithstanding: and that thereupon the said coroner or coroners is and are hereby authorized and impowered to take bail for the appearance of such person or persons taken by him or them on measne process, as the sheriff may or might have done, and shall be liable to an action, in case of any escape of any person in his or their custody on such measne process or execution, as the sheriff should have been, if the said writ had been executed by him; and that the said coroner or coroners shall and may take such fees, and no other or more, for execution of the said several writs, than as is by this act appointed: and in case the said coroner or coroners shall commit any person or persons, so taken by them, to the county goal, the goaler is hereby directed and required to receive and detain them.

Corruption and partiality of sub-sheriffs and bailiffs:

on sheriff's return *non est inventus* or *nulla bona*, the plaintiff may take out the same, or other process or execution to coroners,

who may take bail,

and liable on escape,

the like fees,

and goaler to receive prisoners.

VI. And be it further enacted by the authority aforesaid, That from and after the said sixth day of November in the year of our Lord one thousand seven hundred and seven, where any sheriff or other officer or officers as aforesaid shall wilfully neglect, delay, or refuse to execute any such executions, or to do any part of his office therein, or shall demand or receive any other fee, gratification, or reward, than as above-mentioned; or shall not hold an enquiry on such writ of *elegit extendi facias*, or *capias utlagatum*

Officer not executing, taking other fee, or not holding inquiry in 10 days, or holding it at a wrong place, or not giving 8 days notice,

tum within ten days after ſuch *elegit*, *extendi facias*, or *capias utlagatum* delivered or tendered to him or them, or ſhall hold ſuch enquiry at any place ſave the chief town in the county, or ſuch other place as ſhall be agreed on between him and the party delivering ſuch writ to him, or without giving notice in writing eight days before the execution thereof to the ſaid party of the time and place of holding ſuch enquiry, that ſuch ſheriff or other officer in every ſuch caſe ſhall forfeit and anſwer to the party grieved the ſum of twenty pounds, or treble damages, at the election of the plaintiff, to be recovered in any of her Majeſty's courts of record; and that where any money is or ſhall be received by ſuch ſheriff or other officer on any execution, the ſame ſhall be paid on demand, or within ſix days after, to the party, at whoſe ſuit the ſaid execution iſſues, or to his or her attorney or aſſigns, after the return of the ſaid execution be out; and in caſe he or they delay or refuſe to do the ſame, that he or they ſo delaying or refuſing ſhall anſwer and pay to the plaintiff, or any perſon by him, her, or them lawfully authorized, double the ſum ſo levied and received: and if upon any ſuch enquiry any leaſe for years ſhall be found, that before the ſale thereof, the ſheriff or other officer aforeſaid, before whom ſuch enquiry ſhall be ſo held, ſhall after ſuch enquiry give notice in writing under his hand, that ſuch leaſe has been found, and therein name the parties, both plaintiff and defendant; and the debt, intereſt, and coſts demanded, and the lands or tenements found thereby, and affix the ſaid notice in the moſt publick place in the ſhire-town of the county, town, or city, wherein ſuch leaſe-hold lands and tenements lie, by the ſpace of eight days before any ſale ſhall be made by ſuch ſheriff or other officer of ſuch leaſe: provided always, that no more ſhall be recovered againſt any ſheriff, coroner, or marſhal of the Four-courts in any action of eſcape to be brought againſt him or them, than the ſum or ſums ſo certified to be due, with coſts of court, and damages for non-payment.

A. D. 1707.

Penalty 20l. or treble damages, at election of plaintiff.

Not paying money received on demand, or in 6 days after return of execution is out,

Penalty, double the ſum to plaintiff.

If leaſe for years found, 8 days notice before ſale thereof to be affixed in moſt publick place of ſhire-town.

On eſcape, no more to be recovered than the ſum certified due, with coſts and damages.

CHAP. VIII.

An Act for explaining and limiting the privileges of Parliament.

WHEREAS by a ſtatute made in this kingdom in the third year of Edward the fourth, late King of England and France, and lord of Ireland, intituled, *An act whereby the lords and commons of the Parliament hath priviledge for certain days before and after the ſaid Parliament*, it is declared, "That no "miniſter of the ſaid Parliament, coming or going to the ſaid "Par-

Recital of 3 *E.* 4. 1.

A. D. 1707. Chap. 8.

and of 10 & 11 *C.* 1. 12.

" Parliament, during forty days before and forty days after the " ſaid Parliament finiſhed, ſhould not be impleaded, vexed, nor " troubled by no mean:" and whereas by one other act made in the tenth year of Charles the firſt, late King of England, Scotland, France, and Ireland, entituled, *An act for new executions to be ſued againſt any which hereafter ſhall be delivered out of execution by priviledge of Parliament*; it is recited, " That doubt had been " made, if any perſon being arreſted in execution, and by privi- " ledge of either of the houſes of Parliament ſet at liberty, whe- " ther the party, at whoſe ſuit ſuch execution was purſued, be for " ever after barred and diſabled to ſue forth a new execution in " that caſe; therefore it is hereby enacted, That from thence- " forth the party, at or by whoſe ſuit ſuch writ of execution " was purſued, his executors or adminiſtrators, after ſuch time as " the priviledge of that ſeſſion of Parliament, in which ſuch privi- " ledge ſhall be ſo granted, ſhall ceaſe, may ſue forth and execute " a new writ or writs of execution, in ſuch manner and form as " by the laws of this realm he might have done, if no ſuch " former execution had been taken forth or ſerved;" notwithſtanding which latter ſtatute, great doubts have ariſen upon the words in the ſaid firſt recited act, what ſhall be underſtood and meant by the ſaid words, *viz. After the ſaid Parliament finiſhed*; for explanation whereof, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for ever hereafter the priviledge of Parliament ſhall begin forty days before the beginning or meeting of every Parliament, and ſhall continue during the ſetting or adjournment of this or any other Parliament, and forty days after the prorogation or diſſolution of this preſent and every other Parliament.

1 *G.* 2. 8. *altered.*

Doubts upon the words, *After ſaid Parliament finiſhed, in* 3 *E.* 4. 1.

Privilege 40 days before meeting, during ſetting or adjournment, and 40 days after porogation or diſſolution of Parliament.

II. And be it further enacted, That where any plaintiff ſhall by reaſon of priviledge of Parliament be ſtayed or prevented from proſecuting any ſuit by him commenced, ſuch plaintiff ſhall not be barred by any ſtatute of limitation, nor ſhall his ſuit be diſcontinued for want of proſecution, but every ſuch plaintiff ſhall be at liberty from time to time, immediately after the riſing of the Parliament, to proceed to judgment and execution, as if ſuch plaintiff had not been hindred from proſecuting his reſpective ſuit by reaſon of priviledge of Parliament.

Plaintiff ſtopped by privilege, not barred by ſtat. of limitation, nor ſuit diſcontinued.

1 *G.* 2. 8. 12 & 13 *W.* 3. 3. *Eng.* 11 *G.* 2. 24. *Eng.*

III. And be it further enacted, That from and after the end of this preſent ſeſſion of Parliament, it ſhall and may be lawful to and for all and every perſon and perſons, during the continuance of priviledge of Parliament, as the ſame is hereby before declared, to diſtrain the goods and chattels of any peer, lord of Parliament,

ment, or member of the houſe of commons, for the arrears of any rent, duty, or ſervice now owing, or which ſhall hereafter become due to any ſuch perſon or perſons, and to diſpoſe of ſuch diſtreſs or diſtreſſes in like manner, as if the goods and chattels ſo diſtrained did not belong to any member of either houſe of Parliament; any priviledge of Parliament, or any former law, ſtatute, or uſage, to the contrary notwithſtanding.

A. D. 1707. Chap. 8.

Diſtreſs for rent, duty, or ſervice may be during privilege.

IV. And be it further enacted and declared by the authority aforeſaid, That no peer, lord of Parliament, or member of the houſe of commons, who is or ſhall be a truſtee, guardian, executor, or adminiſtrator, hath or ſhall have any benefit of priviledge of Parliament in any action or ſuit, which ſhall be commenced or proſecuted againſt him or them as truſtee, guardian, executor, or adminiſtrator, in any court of law or equity, or in any eccleſiaſtical or other court whatſoever; any ſtatute, law, cuſtom, or uſage, to the contrary notwithſtanding.

Truſtee, guardian, executor, or adminiſtrator, not privileged.

V. And be it further enacted, That no action, ſuit, proceſs, order, judgment, decree, or proceeding in law or equity againſt any original and immediate debtor to the Queen's Majeſty, her heirs or ſucceſſors, for the recovery or obtaining of any debt or duty originally and immediately due or payable to her Majeſty, her heirs or ſucceſſors, or againſt any accomptant or perſon anſwerable or liable to render any account unto her Majeſty, her heirs or ſucceſſors, for any part or branch of her or their revenues, or for any other original or immediate debt or duty, nor the execution of any ſuch proceſs, order, judgment, decree, or proceeding ſhall be impeached, ſtopped, or delayed by or under colour or pretence of any priviledge of Parliament: yet ſo nevertheleſs that the perſon of any ſuch debtor or accomptant, or perſon anſwerable or liable to account, being a peer of this realm, or lord of Parliament, ſhall not be liable to be arreſted or impriſoned by or upon any ſuch action, ſuit, proceſs, order, judgment, decree, or proceedings in law or equity; or, being a member of the houſe of commons, ſhall not during the continuance of the priviledge of Parliament, as the ſame is herein before limited, be arreſted or impriſoned by or upon any ſuch action, ſuit, proceſs, order, judgment, decree, or proceedings.

Queen's debtor or accomptant, not privileged. 1 *G.* 2. 8. 12 & 13 *Wil.* 3. 3. *Eng.* 2 & 3 *Anne* 18. *Eng.*

But his perſon not to be arreſted or impriſoned during privilege.

CHAP.

A. D. 1707.

CHAP. IX.

An Act for the encouragement and improvement of the hempen and flaxen manufacture.

Repealed 29 G. 2. 6.

FORASMUCH as the flaxen and hempen manufactures are almoſt the only branch of trade, which this kingdom hath left, wherein to imploy the hands of the poor inhabitants thereof, the ſame ought to be duly promoted and encouraged: and whereas alſo the importation of good, ſound, foreign hemp-ſeed into this kingdom at eaſy and reaſonable rates will much conduce to the improving of the hempen manufacture: be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That whoever ſhall import, or cauſe to be imported, into this kingdom any good and ſound hemp-ſeed of the growth of Ruſſia, Germany, the Netherlands, and the Eaſt-Country, within the ſpace of nine years next after the twenty fourth day of December one thouſand ſeven hundred and ſeven, ſhall receive for every hogſhead of ſuch hemp-ſeed, as a præmium, the ſum of five ſhillings *ſterl.* to be paid by ſuch officer or officers, and in ſuch manner as drawbacks are uſually paid.

II. Provided, That during the ſaid term of nine years, every merchant, who ſhall export any hemp-ſeed, ſhall for every hogſhead ſo exported pay five ſhillings cuſtom to the Queen, her heirs and ſucceſſors, unleſs oath be made before the ſub-commiſſioners or officer of the port, that the ſame (to the beſt of the knowledge or belief of the perſon making ſuch oath) was of the growth of this kingdom.

III. Be it likewiſe enacted by the authority aforeſaid, That for the better encouraging and making of good ſail-cloth in this kingdom, the exporters of ſuch ſail-cloth, well and ſufficiently made, to any parts beyond the ſeas at any time within the ſpace of nine years next after the ſaid twenty fourth day of December in the year of our Lord one thouſand ſeven hundred and ſeven, ſhall receive, as a præmium, for every yard of top-ſail canvas made of ſound and good hemp, of ten pence *per* yard value and under fourteen pence, ſo exported, the ſum of one penny; and for every yard of ſail-canvas, made in imitation of Holland-duck, of the value of fourteen pence *per* yard and upwards, ſo exported, the ſum of two pence *ſterl.* to be paid by ſuch officer or officers (the exporter of the cloth making oath that the ſaid cloth is made of hemp as aforeſaid of the growth of this kingdom) in ſuch manner as drawbacks are uſually paid.

IV. And for aſcertaining the value of ſuch cloth, the commiſſioners in the port of Dublin, and the principal officers of the Cuſtom-houſe in all other the ports, or any two of them, whereof the collector for the time being to be one, ſhall have power to chooſe two indifferent merchants, experienced in the value of ſuch linnen cloth to be exported, who, upon viewing of the ſaid linnen cloth, ſhall certifie and declare upon their corporal oaths, firſt adminiſtred by the ſaid commiſſioners or officers, what the reſpective values of ſuch cloth to be exported are; and if ſuch merchants ſhall certifie the values of ſuch cloth to be exported to be as aforeſaid, then and in ſuch caſe ſuch allowance and payment of the præmium ſhall be made as aforeſaid.

V. And foraſmuch as pot-aſhes and other materials for bleaching of linnen, and for making of ſoap, are at preſent very ſcarce and dear, and the making of aſhes of ſea-wreck, commonly called Kelp, in places lying on the ſea-ſhore, will be very neceſſary and of great uſe and benefit to the whole kingdom in bleaching of linnen: be it further enacted, That from and after the ſaid twenty fourth day of December one thouſand ſeven hundred and ſeven, during the ſpace of nine years from thence next enſuing, every perſon and perſons, who ſhall make, or cauſe to be made, any

any Kelp of sea-wreck, in any county of this kingdom, shall and may have and receive, as an encouragement or reward for making the same, the sum of two shillings six pence *sterl.* for every tun of Kelp so made within such county; and so rateably and proportionably for a greater or lesser quantity.

VI. And for the certain payment thereof accordingly, be it further enacted by the authority aforesaid, That the grand jury or grand juries at any the general assizes, which shall be held for any county, where Kelp shall be made, shall be and are hereby impowered and required to applot the said sum of two shillings and six pence *per* tun, and so rateably, to be paid, as a reward and encouragement for making such Kelp as aforesaid, upon the inhabitants of the said county, in such method and manner as other publick taxes of such county are usually applotted; due proof on oath being first made to the satisfaction of such grand jury of the quantity of Kelp so made, or caused to be made, and which before that time had not been paid for; which oath the justices of assize, at the assizes, are hereby authorized or required to administer, in order to the said juries examining the matter, as in like cases is usual; whereupon the court, where such applotment shall be made, shall make their order for levying thereof accordingly, in such manner as other publick charges are levied; and that when the money so applotted shall be levied, the same shall be paid to such person or persons as hath made, or caused to be made, such Kelp as aforesaid, without fee or reward for the same.

VII. And whereas the excessive fees taken by the officers of the customs on the exportation of linnen cloth, bought by seamen and others for their own or families use, is a discouragement to the said linnen manufacture: be it therefore further enacted by the authority aforesaid, That from and after the twenty fourth day of December one thousand seven hundred and seven, there shall be paid to all or any of the patentee officers, or any other officer or officers of her Majesty's customs or revenue, their clerks or servants for fees, or upon any pretence, or for any cause whatsoever, for any one entry of linnen cloth that shall be exported, or entred to be exported, containing less than fifty eight pieces, one penny for each piece, and no more; and for any one entry, containing fifty eight pieces or upwards, the sum of four shillings and ten pence, and no more; nor more than six pence for any certificate of such parcels, being of the growth and manufacture of this kingdom; and in case any officer or officers shall demand or receive any greater fee than as aforesaid, contrary to this act, he or they so offending, and being duly convicted thereof, shall *ipso facto* forfeit his and their imployment and imployments, and be incapable ever afterwards of having or enjoying any office or employment in the revenue in this kingdom; information on oath being first given thereof, within the space of fourteen days after the offence committed, to some one of her Majesty's justices of the peace for the county or city, where such offence shall be committed.

VIII. Be it further enacted by the authority aforesaid, That the several houses of correction in every county of this kingdom shall, before the twenty ninth day of September one thousand seven hundred and eight, be sufficiently enlarged with all conveniencies for dressing and preparing of hemp and flax at the charge of each county respectively; and when every such house of correction shall be so enlarged, the same shall be also used as and called the house of correction and workhouse for the preparing and dressing of hemp and flax.

IX. And for the better governing of the said workhouse, be it further enacted, That the grand jury for every respective county within this kingdom at the summer assizes, to be held yearly for every such county, may be and hereby are required and impowered to name and choose fit and proper persons (not exceeding three in number) to be overseers of such workhouse, within the county such grand jury shall represent for the space of one year, from the said twenty ninth day of September one thousand seven hundred and eight, and so annually: and that no person whatsoever shall be keeper or master of any the said houses of correction or workhouses, but such persons as shall be knowing and well skilled as well in sowing hemp and flax-

A. D. 1707. Chap. 9.

seed, as in dressing and preparing hemp and flax for spinning: and that such master or keeper may be placed in such place or office by such overseers, as also removed by them for any fault or misdemeanour from time to time, as to them shall seem meet; and that the presentments in that behalf shall be made to the judge or judges of assize, in the like manner as other presentments are usually made; and that before such keeper or master shall be admitted into such place or office, he shall give sufficient security to the overseers, so elected, for the due performance of his office yearly; to be from time to time approved of and allowed by the overseers of the said workhouse for the time being.

X. And be it further enacted, That such keeper or master for the time being, as part of his duty in his said place or office, may be obliged to sow, or cause to be sowed, yearly at least two acres plantation measure of proper and fit land with hemp or flax-seed; and also that such master or keeper of every of the said workhouses for the time being shall take such apprentices from time to time, and for term, not exceeding three years, as the said overseers for the time being shall think fit and appoint, to be educated in and employed in well ordering and preparing hemp and flax, or one of them; and such apprentices are to continue in the same service with the master or keeper of the said workhouse for the time being, under the covenants and agreements, and during the term, that in their respective indentures of apprentiship shall be mentioned and contained: and that no such master or keeper shall be goaler or keeper of any prison, or use any trade or calling, during the time he shall be or continue master or keeper of any of the said houses of correction and workhouses, other than what appertain to the preparing and well ordering of hemp and flax.

XI. And for the enabling and encouraging every such master or keeper to perform his duty in his said place or office of keeper or master; be it further enacted by the authority aforesaid, That the several sums of money hereafter next mentioned shall be paid to every such master or keeper for the time being by the overseers for the time being, to be appointed as aforesaid: (that is to say) the sum of twenty pounds *sterl.* for the first year next ensuing the twenty ninth day of September one thousand seven hundred and eight, whereof the said master or keeper is hereby appointed and required to lay out and employ the sum of ten pounds *sterl.* in hemp-seed and flax-seed, or in one of them; and in preparing ground for sowing such seed, according to the intent and meaning of this act: and also the sum of ten pounds *sterl.* for every year after the end of the said first year, until the end of six years from thence next ensuing. And the keeper or master of every such workhouse for the time being (as a further encouragement to behave himself well in his said place or office) shall have free liberty of selling and disposing of all flax and hemp, that shall be dressed and prepared in such workhouse, whereof he is master or keeper, during the time he shall be master or keeper thereof, to his own use and advantage; the said master or keeper finding and providing at his own cost the hemp and flax, that shall be from time to time there so dressed and prepared. And that a spinning-school, or a school for teaching to spin flax and hemp, or one of them, shall be kept and taught in every town or place, where any such workhouse, as herein is mentioned, shall be, under the conduct and inspection of some fit person duly qualified to instruct children in the art of spinning hemp and flax, or one of them; which person for teaching such school shall be nominated and appointed by the overseers respectively of every such work-house for the time being, together with the number of children as they shall think fit and convenient to be taught and instructed in the art of spinning in every such school; and that every such person, so employed in teaching to spin, shall be obliged by the said overseers, and are hereby required, to teach no less than twenty at one time in the said art of spinning as aforesaid, in case so many shall be offered to learn the same, and to do the same *gratis*, without fee or reward: and that for the enabling and encouraging such persons; who shall teach to spin in every such spinning-school, and doing their duty, in the said place or office, the several sums of money, hereafter next

mentioned, ſhall be paid to every ſuch perſon as ſhall for the time being teach ſuch ſchool, by the overſeers for the time being: (that is to ſay) the ſum of ten pounds *ſterl.* for the firſt year next enſuing the twenty ninth day of September one thouſand ſeven hundred and eight; whereof the ſaid perſon, ſo teaching every ſuch ſchool, is hereby appointed and required to lay out and imploy the ſum of five pounds *ſterl.* in ſpinning wheels and reels to be imployed in every ſuch ſchool; which the overſeers are hereby directed and required to ſee duly laid out; and the remaining five pounds to be for the proper uſe of ſuch perſon as ſhall teach ſuch ſpinning-ſchool; and alſo the ſum of ſix pounds *ſterl.* for every year after the end of the ſaid firſt year, during the ſpace of ſix years from thence next enſuing; and that the ſaid perſon keeping every ſuch ſchool for the time being, as a further encouragement to do her duty, and behave herſelf well in her ſaid place of teaching ſuch ſchool to ſpin, ſhall and may have free and full liberty of ſelling and diſpoſing of all yarn of flax and hemp, and either of them, to her own advantage and uſe, that ſhall be ſpun in ſuch ſchool reſpectively, the ſaid perſon teaching ſuch ſchool at her own coſt providing and finding ſuch flax and hemp, that ſhall be ſo ſpun there: and that the ſaid firſt payment to be made to the teacher of the ſchool to ſpin, and the ſaid firſt payment to be made to the maſter or keeper of the ſaid work-houſe, ſhall be paid on the twenty ninth day of September one thouſand ſeven hundred and eight, the better to enable them to do their reſpective duties in their ſeveral places reſpectively: and that every ſuch work-houſe and ſpinning-ſchool ſhall be under the government and direction of the ſaid overſeers, to be from time named and choſen yearly as aforeſaid: and that ſuch overſeers ſhall have power to rectifie and amend all diſorders that ſhall happen to be or ariſe in every ſuch work-houſe and ſpinning-ſchool, or either of them, according to their reaſon and diſcretion; whereof they are to make report, and give an account yearly, to the grand-jury of that county, where ſuch work-houſe or ſpinning-ſchool ſhall be, at the ſummer aſſizes that ſhall be held for ſuch county.

XII. And whereas the allowances for the ſupport of the maſters of the work-houſes and miſtreſſes of the ſpinning-ſchools in each county as aforeſaid, for the ſpace of ſeven years commencing from the twenty ninth day of September one thouſand ſeven hundred and eight, will amount to the ſums following; *viz.* for the firſt year thirty two maſters at twenty pounds each, ſix hundred and forty pounds; thirty two miſtreſſes at ten pounds each, three hundred and twenty pounds; total for the firſt year nine hundred and ſixty pounds: for the ſecond year, thirty two maſters at ten pounds each, three hundred and twenty pounds; thirty two miſtreſſes at ſix pounds each, one hundred and ninety two pounds: total for the ſecond year five hundred and twelve pounds: for five years more at five hundred and twelve pounds, two thouſand five hundred and ſixty pounds: total for ſeven years, three thouſand thirty two pounds: be it further enacted by the authority aforeſaidr That the ſaid ſum of nine hundred and ſixty pounds for the firſt year may be paid in manner following: (that is to ſay) that the collector of her Majeſty's revenue for ſuch diſtrict, where ſuch houſe ſhall be, do pay the ſum of thirty pounds to ſuch perſons, as the grand jury of ſuch county ſhall appoint, or their order, at their ſummer aſſizes, to be overſeers of the ſaid work-houſe and ſpinning-ſchool of that county, to be by them paid over for the uſes aforeſaid, for the defraying the charges of the firſt year; and for every ſucceeding year of the ſeven years aforeſaid, that each collector do pay over to ſuch perſons as aforeſaid, or their order, the ſum of ſixteen pounds; which ſaid ſeveral ſums, ſo paid by ſuch collectors, ſhall be allowed in their accounts of contingences.

XIII. And whereas by an act of Parliament made in this kingdom in the ſecond year of her preſent Majeſty's reign, intituled, *An act for the improvement of the hempen and flaxen manufactures in this kingdom*; it is enacted, "That no perſon or "perſons whatſoever ſhall expoſe to ſale any linnen-yarn made in this kingdom, "other than in hanks or dozens, each hank or dozen to conſiſt of twelve cuts, and "no more, and each cut to contain one hundred and twenty threads, and no more:" 2 *Anne* 4.

Now

A. D. 1707. Chap. 9.

Now for the more eaſie diſcovering any abuſe in the number of threads ſo to be made up; be it further enacted, That every cut of one hundred and twenty threads be ſubdivided into ſix loops, and that every loop ſhall contain twenty threads.

XIV. And for the better regulating of journeymen-weavers; be it further enacted, That no maſter-weaver, or other perſon, may or ſhall preſume to entertain any journeyman linnen-weaver inhabiting in this kingdom, in any employment as a linnen-weaver, unleſs ſuch journeyman-weaver ſhall firſt produce to the maſter, or perſon about to hire him, a certificate in writing under the hand of the maſter, he laſt ſerved in this kingdom, of ſuch journeyman's being diſcharged from his former maſter's ſervice by conſent of ſuch maſter; and if any maſter without juſt cauſe ſhall refuſe to give ſuch certificate, upon complaint made thereof by ſuch journeyman to a juſtice of the peace of the county, or chief magiſtrate in any corporate town, where ſuch maſter inhabits, who ſhall ſend to the maſter, and require from him the reaſon why ſuch journeyman is refuſed ſuch diſcharge and certificate of his behaviour; and in caſe the juſtice of the peace or chief magiſtrate ſhall find that the cauſe of the refuſal of ſuch certificate was not ſufficient, in every ſuch caſe the ſaid juſtice of the peace or chief magiſtrate may and is hereby required to give a certificate of ſuch cauſeleſs refuſal; which certificate by the ſaid juſtice of the peace or chief magiſtrate ſhall be as effectual as if a certificate had been given by ſuch maſter, and ſhall be given without fee or reward, and ſhall diſcharge ſuch journeyman as fully to all intents and purpoſes; and that any journeyman, counterfeiting or producing a counterfeited certificate under the hand of any maſter or juſtice of the peace or chief magiſtrate, ſhall be committed to the houſe of correction, and there kept for the ſpace of ſix months to hard labour; and if any maſter ſhall take into his ſervice any journeyman, who has been in any former ſervice without ſuch certificate from the former maſter, in whoſe ſervice ſuch journeyman laſt was, or of ſuch juſtice or chief magiſtrate, every ſuch maſter receiving ſuch journeyman as aforeſaid into his ſervice as aforeſaid, being thereof lawfully convicted at the quarter ſeſſions of the peace held for the county or place where ſuch offence ſhall be committed, ſhall forfeit the ſum of forty ſhillings, to be levyed by diſtreſs and ſale of the offenders goods, by warrant from ſuch quarter ſeſſions of the peace, rendring to the party the overplus; one moiety of every ſuch forfeiture to be to the Queen's Majeſty, her heirs and ſucceſſors, and the other moiety to the informer, who ſhall diſcover and make out the ſame.

XV. And foraſmuch as ſeveral perſons have bought, and do actually buy up great quantities of linnen-yarn, without regard to its being made up as by the above mentioned act is preſcribed and appointed, and have ſold, and do uſually ſell, the ſame again in packs or great parcels to merchants and others, who export the ſame (tho' not made up according to the ſaid recited act) into divers countries beyond the ſeas, to the great diſcredit of the linnen-yarn of this kingdom: for the better preventing and diſcovering of the defects of ſuch yarn in the making up thereof, and for preventing of any combination that may be between the makers and buyers of the ſaid yarn, that ſhall be ſo expoſed to ſale, as to the defaults thereof in its not being made up according to the ſaid former act and this preſent act; be it enacted, that if any linnen-yarn, that ſhall be ſo expoſed to ſale, ſhall be found not to be made up according to the ſaid former act, before this act ſhall be in force, and according to the ſaid former act and this preſent act, after this act ſhall be in force; or if any linnen-cloth, made in this kingdom to be expoſed to ſale, ſhall not be made according to the intent and meaning of this and the ſaid former act, that then as often as it ſhall ſo happen, any perſon or perſons that ſhall make ſuch diſcovery of any ſuch faults in making ſuch linnen-yarn, or in the making ſuch linnen-cloth, may take and ſeize the ſame, to the intent that ſuch linnen-yarn or cloth ſo ſeized may be carried before the next juſtice of the peace of the county, or chief magiſtrate of any city or town, where ſuch ſeizure ſhall be made, who is hereby impowered and required to hear, examine, and determine the ſaid matter: and if ſuch juſtice of the peace or chief magiſtrate ſhall upon examination

amination on oath, view, or confeſſion of the offender, or good evidence, find ſuch yarn or linnen-cloth to be ſo faulty and inſufficient, and ſo ſhall declare and adjudge the ſame by writing under his hand and ſeal, for which he ſhall take no fee, that then the ſame ſhall be forfeited, and the property thereof ſhall be and is hereby veſted in the informer to all intents and purpoſes: but in caſe ſuch yarn or cloth ſhall be found by and before ſuch juſtice of the peace or chief magiſtrate to be ſufficiently made according to law in that caſe, provided ſuch yarn or cloth ſo ſeized ſhall be reſtored to the owner, and the perſon or perſons ſo informing and ſeizing the ſame ſhall forfeit to the owner of ſuch cloth or yarn treble the damage by him ſuſtained by ſuch ſeizure, to be adjudged by ſuch juſtice of the peace or chief magiſtrate; and in default of paying of ſuch treble damages, ſuch juſtice of the peace or chief magiſtrate is hereby impowered and required to commit ſuch informer to goal, there to remain without bail or mainprize until he ſhall pay and ſatisfie the ſame.

XVI. And whereas by the ſaid act, intituled, *An act for the improvement of the hempen and flaxen manufactures of this kingdom*, it was enacted, "That no toll ſhould "be paid for any linnen-cloth, linnen-yarn, or for hemp or flax ſold in any mar-"ket or fair, or for the paſſage of them, or any of them, over any bridge, or "through any town or other place whatſoever;" which clauſe, for want of a penalty inflicted on thoſe that ſhould take or exact ſuch toll contrary to the ſaid act, has not had its due effect: be it further enacted, That whoever ſhall demand, exact, or take any toll or cuſtoms for any linnen-cloth, or any yarn made of hemp, or flax, or ſail-cloth, or canvas made in this kingdom, or for any hemp or flax, ſhall forfeit the ſum of ten pounds for every ſuch offence; to be recovered by ſuch perſon or perſons, who ſhall ſue for the ſame in a ſummary way before the judge of aſſize in the county, where the offence is committed, in ſuch manner as debts are recoverable before them.

CHAP. X.

An Act for the amendment of the law, and the better advancement of juſtice.

4 *Anne* 16. *Eng.*

FOR the amendment of the law in ſeveral particulars, and for the eaſier, ſpeedier, and better advancement of juſtice; be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of Michaelmas term, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſeven, where any demurrer ſhall be joyned and entred in any action or ſuit in any court of record within this realm, the judges ſhall proceed and give judgment according as the very right of the cauſe and matter in law ſhall appear unto them, without regarding any imperfection, omiſſion, or defect in any writ, return, plaint, declaration, or other pleading, proceſs, or courſe of proceeding whatſoever, except thoſe only which the party demurring ſhall ſpecially and particularly ſet down and expreſs, together with his demurrer, as cauſes of the ſame, notwithſtanding that ſuch imperfection,

On demurrer judgment ſhall be given according to very right, without regarding defects (except thoſe ſpecially ſet down with demurrer as cauſes) tho' heretofore matter of ſubſtance, and not aided by 10 *C.* 1. 11. *ſeſſ.* 2.

A. D. 1707. Chap. 10.

omiſſion, or defect; might have heretofore been taken to be matter of ſubſtance, and not aided by the ſtatute made in the tenth year of King Charles the firſt, intituled, *An act for expedition of juſtice in caſes of demurrers*, &c. ſo as ſufficient matter appear in the ſaid pleadings, upon which the court may give judgment according to the very right of the cauſe: and therefore from and after the ſaid firſt day of Michaelmas term no advantage or exception ſhall be taken of or for any immaterial traverſe, or of or for the default of entring pledges upon any bill or declaration, or of or for the default of alledging the bringing into court any bond, bill, indenture, or other deed whatſoever, mentioned in the declaration or other pleadings; or of or for the default of alledging of the bringing into court letters teſtamentory, or letters of adminiſtration, or of or for the omiſſion of *vi & armis*, & *contra pacem*, or either of them; or of or for the want of averment of *hoc paratus eſt verificare*, or *hoc paratus eſt verificare per recordum*; or of or for not alledging *prout patet per recordum*; but the court ſhall give judgment according to the very right of the cauſe as aforeſaid, without regarding any ſuch imperfections, omiſſions, and defects, or any other matter of the like nature, except the ſame ſhall be ſpecially and particularly ſet down, and ſhewn for cauſe of demurrer.

10 *C.* 1. 11. *ſeſſ.* 2.

27 *Eliz.* 5. *Eng.*

Therefore no advantage to be taken of immaterial traverſe, default of pledges, &c.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of Michaelmas term all the ſtatutes of jeofailes ſhall be extended to judgments, which ſhall at any time afterwards be entred upon confeſſion, *nihil dicit*, or *non ſum informatus*, in any court of record; and no ſuch judgment ſhall be reverſed, nor any judgment, upon any writ of enquiry of damages executed thereon, be ſtayed or reverſed for or by reaſon of any imperfection, omiſſion, defect, matter, or thing whatſoever, which would have been aided or cured by any of the ſaid ſtatutes of jeofailes, in caſe a verdict of twelve men had been given in the ſaid action or ſuit, ſo as there be an original writ, bill, or declaration, and warrants of attorney duly filed according to the law as is now uſed.

All ſtatutes of jeofails extended to judgment on confeſſion, *nil dicit*, &c.

and 19 G. 2. 12. *to* mandamus *or* quo warranto *on that act.*

III. Provided always, and be it enacted by the authority aforeſaid, That the attorney for the plaintiff or demandant in any action or ſuit ſhall file his warrant of attorney with the proper officer of the court, where the cauſe is depending, the ſame term he declares, and the attorney for the defendant or tenant ſhall file his warrant of attorney as aforeſaid the ſame term he appears, under the penalties inflicted on attorneys by any former law for default of filing their warrants of attorney.

Plaintiffs attorney to file his warrant ſame term he declares.

Defendants the ſame term he appears.

IV. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of Michaelmas term, it ſhall and may be lawful for any defendant or tenant in any action

Defendant, or plaintiff in *replevin*, may with leave

or

or ſuit, or for any plaintiff in replevin, in any court of record, with the leave of the ſame court, to plead as many ſeveral matters thereto, as he ſhall think neceſſary for his defence. A. D. 1707. Chap. 10.

plead ſeveral matters.

V. Provided nevertheleſs, That if any ſuch matter ſhall upon a demurrer joined be judged inſufficient, coſts ſhall be given at the diſcretion of the court, or if a verdict ſhall be found upon any iſſue in the ſaid cauſe for the plaintiff or demandant, coſts ſhall be alſo given in like manner, unleſs the judge, who tryed the ſaid iſſue, ſhall certifie, that the ſaid defendant or tenant, or plaintiff in replevin, had a probable cauſe to plead ſuch matter, upon which the ſaid iſſue ſhall be found againſt him.

Coſts, if on demurrer inſufficient.

So if verdict for plaintiff unleſs judge certifies probable cauſe.

VI. And whereas great delays do frequently happen in tryals by reaſon of challenges to the arrays of pannels of jurors, and to the polls, for default of hundredors: for prevention thereof for the future be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of Michaelmas term every *venire facias* for the tryal of any iſſue in any action or ſuit in her Majeſty's court of Queen's Bench, Common Pleas, or Exchequer at Dublin, ſhall be awarded of the body of the proper county, where ſuch iſſue is tryable.

Delays by challenges.

Venire facias, awarded of the body of the county.

VII. Provided always, and be it further enacted by the authority aforeſaid, That nothing in this act before contained ſhall extend to any writ, declaration, or ſuit of appeal of felony or murther, or to any indictment or preſentment of treaſon, felony, or murther, or other matter, or to any proceſs upon any of them, or to any writ, bill, declaration, action, or information upon any penal ſtatute.

This act not to extend to appeal of felony or murder, indictment or preſentment, or proſecution on penal ſtatute.

VIII. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of Michaelmas term in any action brought in any of her Majeſty's Four-courts at Dublin, or in the county palatine of Tipperary, where it ſhall appear to the court, in which ſuch actions are depending, that it will be proper and neceſſary, that the jurors, who are to try the iſſues in any ſuch actions, ſhould have the view of the meſſuages, lands or place in queſtion, in order to their better underſtanding the evidence, that will be given upon the tryals of ſuch iſſues; in every ſuch caſe the reſpective courts, in which ſuch actions ſhall be depending, may order ſpecial writs of *diſtringas* or *habeas corpora* to iſſue, by which the ſheriff or ſuch other officer, to whom the ſaid writs ſhall be directed, ſhall be commanded to have ſix out of the firſt twelve of the jurors named in ſuch writs, or ſome greater number of them, at the place in queſtion ſome convenient time before the trial, who then and there ſhall have the matters in queſtion ſhewn to them by two perſons in the ſaid

Where view neceſſary, ſpecial writs of *diſtringas* or *habeas corpora* to iſſue,

two perſons appointed by the court to ſhew to the jurors a convenient time before trial.

A. D. 1707. Chap. 10.

writs named; to be appointed by the court; and the ſaid ſheriff, or other officer, who is to execute the ſaid writs, ſhall by a ſpecial return upon the ſame certifie, that the view hath been had according to the command of the ſaid writs.

Certificate of view.

IX. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of Michaelmas term all grants or conveyances, thereafter to be made by fine or otherwiſe, of any manors, or rents, or of the reverſion or remainder of any meſſuages or lands, ſhall be good and effectual to all intents and purpoſes without any attornment of the tenants of any ſuch manors, or of the land, out of which the rent ſhall be iſſuing, or of the particular tenants, upon whoſe particular eſtates any ſuch reverſion or remainder ſhall or may be expectant or depending, as if their attornment had been had and made.

Conveyances good without attornment.

But tenant not prejudiced by payment of rent, or breach before notice by grantee.

X. Provided nevertheleſs, That no ſuch tenant ſhall be prejudiced or damaged by payment of any rent to any ſuch grantor or conuſor, or by breach of any condition for non-payment of rent, before notice ſhall be given to him of ſuch grant by the conuſee or grantee.

No dilatory received, unleſs on affidavit, or probable matter ſhewn,

XI. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of Michaelmas term no dilatory plea ſhall be received in any court of record, unleſs the party offering ſuch plea do by affidavit prove the truth thereof, or ſhew ſome probable matter to the court to induce them to believe, that the fact of ſuch dilatory plea is true.

In debt, or *ſcire facias* on judgment, payment may be pleaded in bar.

XII. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of Michaelmas term, where any action of debt ſhall be brought upon any ſingle bill, or where any action of debt or *ſcire facias* ſhall be brought upon judgment, if the defendant hath paid the money due upon ſuch bill or judgment, ſuch payment ſhall and may be pleaded in bar of any ſuch action or ſuit; and where an action of debt is brought upon any bond, which hath a condition or defeazance to make void the ſame upon payment of a leſſer ſum at a day or place certain, if the obligor, his heirs, executors, or adminiſtrators, have before the action brought paid to the obligee, his executors or adminiſtrators, the principal and intereſt due by the defeazance or condition of ſuch bond, though ſuch payment was not made ſtrictly according to the condition or defeazance, yet it ſhall and may nevertheleſs be pleaded in bar of ſuch action, and ſhall be as effectual bar thereof, as if the money had been paid at the day and place according to the condition or defeazance, and had been ſo pleaded.

So in *debt* on bond with condition or defeaſance: tho' the payment not made ſtrictly according thereto.

Pending action on bond with penalty,

XIII. And be it further enacted by the authority aforeſaid, That if at any time pending an action upon any ſuch bond with

with a penalty the defendant ſhall bring into the court, where the action ſhall be depending, all the principal money and intereſt due on ſuch bond, and alſo all ſuch coſts as have been expended in any ſuit or ſuits in law or equity upon ſuch bond, the ſaid money, ſo brought in, ſhall be deemed and taken to be in full ſatisfaction and diſcharge of the ſaid bond; and the court ſhall and may give judgment to diſcharge every ſuch defendant of and from the ſame accordingly. A. D. 1707. Chap. 10.

defendant bringing into court principal intereſt and coſts, diſcharged.

XIV. And whereas by an act of Parliament made in the ſeventh year of King William the third, intituled, *An act for prevention of frauds and perjuries*, it is enacted, "That no nuncupative will ſhall be good, where the eſtate thereby bequeathed "ſhall exceed the value of thirty pounds, that is not proved by "the oaths of three witneſſes at the leaſt, that were preſent at "the making thereof;" be it enacted and declared by the authority aforeſaid, That all ſuch witneſſes, as are and ought to be allowed to be good witneſſes upon tryals at law by the laws and cuſtoms of this realm, ſhall be deemed good witneſſes to prove any nuncupative will, or any thing relating thereunto.

Recital of 7 *Wil.* 3. 12.

Witneſſes good on trials at law, good to prove nuncupative will.

XV. And whereas it hath been doubted, whether, ſince the making the ſaid laſt mentioned act of Parliament, the declarations or creations of uſes, truſts, or confidence of any fines or common recoveries, manifeſted by deed made after the levying or ſuffering of ſuch fines or recoveries, are good and effectual in law: be it further enacted and declared by the authority aforeſaid, That all declarations or creations of uſes, truſts, or confidences of any fines or common recoveries of any lands, tenements, or hereditaments, manifeſted and proved, or which hereafter ſhall be manifeſted and proved, by any deed already made, or hereafter to be made, by the parties, who is by law enabled to declare ſuch uſes or truſts, after the levying or ſuffering of any ſuch fines or recoveries, are and ſhall be as good and effectual in the law as if the ſaid laſt mentioned act had not been made.

Declarations or creations of uſes or truſts of fines or recoveries proved by deed as effectual as if 7 *W.* 3. 12. not made.

XVI. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of Michaelmas term, no claim or entry to be made of or upon any lands, tenements, or hereditaments, ſhall be of any force or effect to avoid any fine levied or to be levied with proclamations, according to the form of the ſtatute in that caſe made and provided in the Queen's court of Common pleas at Dublin, or in the court of the county palatine of Tipperary, of any lands, tenements, or hereditaments, or ſhall be a ſufficient entry or claim within the ſtatute made in the tenth year of King Charles the firſt, intituled, *An act for limitations of actions, and for avoiding ſuits in law*; unleſs upon

No claim or entry ſhall avoid a fine with proclamations, or be ſufficient within 10 *C.* 1. 6. *ſeſſ.* 2. unleſs action commenced in a year and proſecuted.

A. D. 1707. Chap. 10.

ſuch entry or claim an action ſhall be commenced within one year next after the making ſuch entry or claim, and proſecuted with effect.

Perſons againſt whom cauſe of action, treſpaſs, &c. beyond ſea at the time, it may be brought after return, if within the times limited by 10 *C.* 1. 6. *ſeſſ.* 2.

XVII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, againſt whom there ſhall be any cauſe of action or treſpaſs, detinue, trover or replevin, for taking away goods or chattels, or of action of account, or upon the caſe, or of debt, grounded upon any lending or contract without ſpecialty, of debt for arrearages of rent, or aſſault, menace, battery, wounding, and impriſonment, or any of them, be or ſhall be at the time of any ſuch cauſe of ſuit or action given or accrewed, fallen, or come, beyond the ſeas, that then ſuch perſon or perſons, who is or ſhall be entitled to any ſuch ſuit or action, ſhall be at liberty to bring the ſaid actions againſt ſuch perſon and perſons after their return from beyond the ſeas, ſo as they take the ſame after their return from beyond the ſeas within ſuch times, as are reſpectively limitted for the bringing of the ſaid actions by the laſt mentioned act.

Bail-bond, or other ſecurity taken on arreſt at ſuit of common perſon, aſſignable to the plaintiff by indorſement in preſence of two witneſſes,

XVIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be arreſted from and after the ſaid firſt day of Michaelmas term by any writ, bill, or proceſs, iſſuing out of any of her Majeſty's Four courts at Dublin at the ſuit of any common perſon, and the ſheriff or other officer taketh bail from ſuch perſon, againſt whom ſuch writ, bill, or proceſs is taken out, the ſheriff or other officer, at the requeſt and coſt of the plaintiff in ſuch action or ſuit, or his lawful attorney, ſhall aſſign to the plaintiff in ſuch action the bail-bond, or other ſecurity taken from ſuch bail, by indorſing the ſame, and atteſting it under his hand and ſeal in the preſence of two or more credible witneſſes; and if the ſaid bail-bond or aſſignment, or other ſecurity taken for bail, be forfeited, the plaintiff in ſuch action, after ſuch aſſignment made, may bring an action and ſuit thereupon in his own name; and the court, where the action is brought, may by rule or rules of the ſame court give ſuch relief to the plaintiff and defendant in the original action, and to the bail upon the ſaid bond or other ſecurity taken from ſuch bail, as is agreeable to juſtice and reaſon; and that ſuch rule or rules of the ſaid court ſhall have the nature and effect of a defeazance to ſuch bail bond, or other ſecurity for bail.

if forfeited, plaintiff may ſue in his own name.

Warranties by tenant life, void as to him in reverſion or remainder.

and collateral warranties by anceſtor having no eſtate of inheri-

XIX. And be it further enacted by the authority aforeſaid, That all warranties, which ſhall be made after the firſt day of Michaelmas term by any tenant for life of any lands, tenements, or hereditaments, the ſame deſcending or coming to any perſon in reverſion or remainder, ſhall be void and of none effect; and likewiſe all collateral warranties, which ſhall be made after

the ſaid firſt day of Michaelmas term, of any lands, tenements, or hereditaments, by any anceſtor who has no eſtate of inheritance in poſſeſſion in the ſame, ſhall be void againſt his heir. A. D. 1707. Chap. 10.

Heir at law, having no eſtate of inheritance in poſſeſſion, void as to his heir.

XX. And be it further enacted by the authority aforeſaid, That no ſubpœna, or any other proceſs for appearance, do iſſue out of any court of equity till after the bill is filed with the proper officer in the reſpective courts of equity, except in caſes of bills for injunctions to quiet poſſeſſions, to ſtay waſts, or ſtay ſuits at law commenced, and a certificate thereof brought to the proper officer, who uſually makes out ſubpœna's or other proceſs in the ſeveral courts of equity, under the hand of the officer reſpectively for each reſpective court, who uſually files bills in equity, for which certificate he ſhall receive no fee.

No proceſs out of equity till after bill filed and certificate thereof, except for injunctions to quiet poſſeſſion, ſtay waſte, or ſuit at law.

XXI. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of Michaelmas term, this act, and all the ſtatutes of jeofailes, ſhall extend to all ſuits in any of her Majeſty's Four courts at Dublin for recovery of any debt immediately owing, or any revenue belonging, to her Majeſty, her heirs or ſucceſſors, and ſhall alſo extend to all courts of record in the county palatine of Tipperary, and to all other courts of record within this kingdom.

This, and all ſtatutes of jeofail, to extend to ſuits in the Four Courts for debt or revenue of the Queen, and all courts of record.

XXII. And for preventing great vexation from ſuing out defective writs of error; be it enacted by the authority aforeſaid, That upon the quaſhing any writ of error, to be ſued out after the ſaid firſt day of Michaelmas term, for variance from the original record, or other defect, the defendants in ſuch error ſhall recover againſt the plaintiff or plaintiffs iſſuing out ſuch writs, his coſts, as he ſhould have had if the judgment had been affirmed, and to be recovered in the ſame manner.

On quaſhing writ of error, defendant to recover coſts, as if judgment affirmed.

XXII. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of Michaelmas term, actions of account ſhall and may be brought and maintained againſt the executors and adminiſtrators of every guardian, bailiff, and receiver, and alſo by one joint tenant and tenant in common, his executors and adminiſtrators, againſt the other as bailiff, for receiving more than comes to his juſt ſhare and proportion, and againſt the executors and adminiſtrators of ſuch joint tenant or tenant in common; and the auditors, appointed by the court where ſuch action ſhall be depending, ſhall be and are hereby impowered to adminiſter an oath, and to examine the parties touching the matters in queſtion; and, for their pains and trouble in auditing and taking ſuch account, have ſuch allowance as the court ſhall adjudge to be reaſonable, to be paid by the party, on whoſe ſide the ballance of the account ſhall appear to be.

Account may be againſt executors, &c. of guardian, bailiff and receiver,

and by one jointenant, &c.

Auditors may adminiſter oath, and examine, and have allowance by the court from the party on whoſe ſide ballance is.

CHAP.

A. D. 1707.

CHAP. XI.

An Act for explaining and amending two ſeveral acts againſt tories, robbers, and rapparees.

7 *W.* 3. 21.
9 *W.* 3. 9.
2 *Anne* 13.
4 *G.* 1. 9.
6 *G.* 1. 12
8 *G.* 1. 9.
12 *G.* 1. 6.
9 *G.* 2. 6.

Vagrants and pretenders to be Iriſh gentlemen wandering about, *&c.* and perſons of infamous characters, ſhall on preſentment at aſſiſes and ſeſſions be ſent to goal, till ſent on board the fleet, or to plantations, unleſs ſecurity for behaviour.

9 *G.* 2. 6. *altered, as to power of preſentment by grand juries at ſeſſions.*

FOR the more effectual ſuppreſſing tories, robbers, and rapparees, and for preventing perſons becoming tories, or reſorting to them; be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty ninth day of September in this preſent year of our Lord one thouſand ſeven hundred and ſeven, all looſe, idle vagrants, and ſuch as pretend to be Iriſh gentlemen, and will not work nor betake themſelves to any honeſt trade or livelihood, but wander about demanding victuals, and coſhering from houſe to houſe amongſt their foſterers, followers, and others, and alſo looſe perſons of infamous lives and characters, ſhall, upon the preſentments of the grand-juries at the aſſizes, and at the general quarter-ſeſſions of the peace of the reſpective counties, where ſuch perſons keep or frequent, and upon the warrants from the juſtices of aſſize, or juſtices of the peace at their reſpective quarter-ſeſſions, be ſent to goal, and there remain without bail or mainprize, until they ſhall be ſent on board her Majeſty's fleet, or to ſome of her Majeſty's plantations in America, whither ſuch juſtice or juſtices of the aſſize, and juſtices of the peace at their general quarter-ſeſſions reſpectively are authorized to ſend ſuch perſons, unleſs they give ſufficient ſecurity to be of the good behaviour.

To prevent levying money for pretended robberies, not only notice ſhall be given to a neighbouring juſtice, as by 7 *Wil.* 3. 21. but alſo notice in five days to high conſtable: if in diviſion of two baronies, to high conſtables of both, to publiſh in all market towns.

II. And whereas ſeveral perſons have made a trade of obtaining robbery-money from the country, pretending to have been robbed, whereas they never were robbed, or were not robbed of near the value and ſum they alledge, and ſo get money on that account, which they never loſt, to be levyed on the country: for prevention whereof be it further enacted by the authority aforeſaid, That all perſons pretending to be robbed ſhall not only give notice thereof to ſome neighbouring juſtice of the peace, as is already provided for by a former act, but ſhall likewiſe, on all robberies, within five days after the fact give notice to the high conſtable of the barony, where ſuch robbery ſhall be alledged to be committed; and in caſe ſuch robbery be committed in the diviſion of any two baronies, then to the high conſtables of both the ſaid baronies, who are hereby reſpectively

A. D. 1707. Chap. 11.

reſpectively required forthwith to publiſh the ſame in all the market-towns of the baronies where ſuch robberies are ſaid to be committed.

III. And whereas the principal and chief inhabitants of each pariſh take upon them, or are ſummoned to applot on the inhabitants within their reſpective pariſhes the money ordered at the aſſizes to be levied off the county for the re-imburſing the perſons that are robbed, and do uſually lay the whole burthen on the poorer ſort, that are leaſt able to bear it, or able to reſiſt or purſue the tories, and thereby they pay little or nothing themſelves, who ought to be charged according to their abilities: for remedy whereof be it enacted by the authority aforeſaid, That the party grieved by ſuch apportionment may appeal to the next going judges of aſſize, who, upon examination upon oath in open court of the matters complained of, ſhall determine the ſame, and make ſuch order, and award ſuch coſts thereon, as he or they in their diſcretion ſhall think fit; ſuch coſts to be levied and recovered as coſts in civil bills are enacted to be recovered: and in caſe any of the ſaid perſons ſhall make over or diſpoſe of any of his or their ſubſtance, in order to evade the payment of his or their proportions, then ſuch conveyance ſhall be looked on as fraudulent; and upon the complaint of the reſpective high conſtable to one or more of the neighbouring juſtices of the peace, ſhall ſend his or their warrants for ſuch perſon or perſons, and commit them to goal, there to remain without bail until they pay or give ſecurity for the payment of the money ſo applotted on them, ſubject nevertheleſs to ſuch appeal as aforeſaid.

Perſons grieved by appointment of robbery money may appeal at aſſizes, where order may be made and coſts awarded.

Conveyances to evade the payment fraudulent,

and the party to be committed to gaol till payment or ſecurity given.

IV. And be it further enacted by the authority aforeſaid, That if any harbourer of tories or robbers ſhall detect any other two the like harbourers, ſo as ſuch two harbourers ſhall be taken and convicted by his means, then the ſaid harbourer ſo detecting the other two ſhall be diſcharged and pardoned for all his former crimes of harbouring only.

Harbourer detecting two others, ſo as to convict them, pardoned.

9 *Wil* 3. 9.
4 *G.* 1. 9.
4 *Anne* 11.

V. And whereas the papiſts of this kingdom do frequently keep private intelligence with the French, and other enemies to her Majeſty and her kingdoms; by means whereof ſeveral parts of the ſea-coaſts are infeſted and often inſulted by French privateers, chiefly manned by Iriſh papiſts, who have robbed ſeveral of her Majeſty's faithful ſubjects of all their ſubſtance, by the contrivance and encouragement of other their popiſh friends in this kingdom: for preventing whereof be it further enacted by the authority aforeſaid, That all ſuch robberies to be committed during this preſent war, and loſſes ſuſtained thereby by any perſon or perſons, ſhall be preſented at the next general aſſizes for the county,

A. D. 1707. where ſuch robbery ſhall be committed, by the grand-jury of ſuch county, after due notice given thereof to the high conſtable or conſtables of the towns or baronies, according to the direction in this act concerning other robberies; and after ſuch preſentment made ſuch order ſhall be made at ſuch aſſizes for the relief of ſuch perſons ſo robbed as aforeſaid, and for re-imburſing them ſuch loſſes as they ſhall reſpectively ſuſtain thereby, and for applotting and levying the ſame on the lands, tenements, and hereditaments, goods and chattels, of all the popiſh inhabitants of the country where ſuch robbery ſhall be committed, in the ſame manner as money is to be levyed for robberies by papiſts by the aforeſaid act, intituled, *An act for the ſuppreſſing tories, robbers, and rapparees.*

Preſentment to be at next aſſizes, unleſs ſo near that due notice cannot be given.

VI. And be it further enacted and declared, That every preſentment for any robbery, to be hereafter made by virtue of this or the ſaid former act, ſhall be at the next aſſizes after ſuch robbery committed, and not at any other aſſizes afterwards, unleſs ſuch robbery ſhall be committed ſo near to the time of holding ſuch aſſizes, that no due notice can be given of ſuch robbery before the firſt day of ſuch next aſſizes, according to the direction of this and the ſaid former acts, in which caſe it ſhall and may be lawful for the perſon robbed to prefer his petition, and to obtain ſuch preſentment at the next aſſizes after ſuch due notice ſhall be given as aforeſaid.

To continue 7 years, &c. *further continued by* 9 G. 2. 6. *ſo far as not altered by* 6 G 1. 12. & *by* 29 G. 2. 8. *further continued* 21 *years*, &c.

VII. This act to continue for ſeven years from the end of this preſent Parliament, and from thence to the end of the next ſeſſion of Parliament, after the expiration of the ſaid ſeven years, and no longer.

CHAP. XII.

An act for the continuing and perpetuating of divers laws and ſtatutes heretofore temporary, and for amennding of the law in relation to butter casks.

The following ſtatutes of 4 *Anne* continued and made perpetual.

WHEREAS ſeveral acts and ſtatutes made and enacted in this Parliament bugun at Dublin the twenty firſt day of September, in the year of our Lord one thouſand ſeven hundred and three, in the ſecond year of the reign of our moſt gracious ſovereign lady Queen Anne, and from thence continued by ſeveral adjournments and prorogations to the tenth day of February one thouſand ſeven hundred and four, being the ſecond ſeſſion of this preſent Parliament, were only temporary laws, which by experience are found to be good and profitable laws for this kingdom,

and

and fit to be continued and made perpetual; be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That one act intituled, *An act for leſſening the duty on rape-ſeed to be exported*; and alſo one other act intituled, *An act to regulate the taking and exacting tolls throughout this kingdom, and to prevent the engroſſing of coals in the city of Dublin*; and alſo one other act intituled, *An act againſt horſe ſtealing, and to prevent the buying and ſelling of ſtolen horſes, and for puniſhing all acceſſaries to felons*; and alſo one other act intituled, *An act for regulating the weights uſed in this kingdom; and that ſalt and meal ſhall be ſold by weight*; and all clauſes, proviſions, and articles, in them and every of them contained, ſhall continue and endure in force for ever.

A. D. 1707. Chap. 12.

4 *Anne* 7.

4 *Anne* 8.

4 *Anne* 11.

4 *Anne* 14

II. And whereas by an act intituled, *An act for reforming abuſes in making of butter-caſks, and preventing of falſe packing of butter:* amongſt divers other things in the ſaid act enacted, the tare of all caſks for butter is aſcertained; notwithſtanding which many undue practices are uſed and abuſes committed in relation to the tare of butter-caſks, to the manifeſt diſcouragement of thoſe who deal therein: for remedy whereof be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May, which ſhall be in the year of our lord one thouſand ſeven hundred and eight, no perſon or perſons whatſoever ſhall ſell or expoſe to ſale any caſk of butter, whereon the tare of ſuch caſk ſhall not be fairly cut or imprinted with a marking-iron on the ſide of ſuch caſk, at which tare the merchant or buyer thereof ſhall be obliged to take the ſame, unleſs ſuch buyer ſhall at the time of the ſale in the preſence of the ſeller object againſt the ſaid tare; in which caſe it ſhall and may be lawful to and for the buyer to ſtrip any one or more of ſuch caſk or caſks, as he ſhall ſuſpect to be above the tare ſo marked; which ſtripping ſhall be at the proper coſts and charges of the buyer thereof; and if after ſtripping of ſuch caſk or caſks, they or any of them ſhall be found to have more than one pound and a half in the half hundred caſk, or more than three pounds in the greater caſks, of what tare is marked on the ſides of the reſpective caſks ſo ſtripped as aforeſaid, the butter which was contained in the ſaid deceitful caſks ſhall in ſuch caſes be forfeited to the buyer thereof, due proof thereof being firſt made before the next juſtice of the peace of

Recital of 10 *Wil.* 3. 2. 2 G. 1. 16. 4 G. 1. 12. 8 G. 1. 7. 10 G. 1. 9. 12 G. 1. 5. 13 G. 2. 12. 21 G. 2. 7. 29 G. 2. 8.

Tare of butter to be marked at ſide of the caſk; at which buyer to take it, unleſs he objects at the time, and in ſeller's preſence; when he may ſtrip caſks ſuſpected:

and if found to have more than 1 lb. and a half in the half hundred, or 3 lb. the greater, above the tare, forfeited to buyer, on proof before a juſtice.

A. D. 1707.

Buyer refuſing to accept the tare marked (except in the caſe aforeſaid) ſhall upon conviction forfeit to ſeller 5l. &c.

of the county, or county of the city or town, where the ſaid butter was expoſed to ſale, by the oath or oaths of one or more credible witneſs or witneſſes, other than the party or parties concerned in the buying of the ſaid butter; which oath the ſaid juſtice is herebv impowered to adminiſter, and finally to hear and determine accordingly: and if any buyer ſhall refuſe to accept the tare of the caſk marked as aforeſaid directed and appointed, or for his own lucre and gain ſhall in a ſiniſter manner endeavour to oblige the perſon, who expoſes the ſaid butter to ſale, to allow any greater tare than what is marked on the ſaid caſk, except it be in ſuch caſes aforeſaid where the caſk ſhall be ſtripped as aforeſaid, and the butter forfeited according to the tenor of this act, ſuch buyer or buyers being thereof convict before the next juſtice of the peace of the county, city, or town, where ſuch butter ſhall be expoſed to ſale, by the oath or oaths of one or more credible witneſs or witneſſes, other than the party or parties concerned in the ſale of ſuch butter (which oath or oaths the ſaid juſtice of peace is hereby impowered to adminiſter) ſuch buyer or buyers ſo refuſing ſhall for each offence forfeit to the ſeller, or perſon expoſing the ſame to ſale, the ſum of five pounds, to be levied by diſtreſs and ſale of the goods of the party offending by the warrant of ſuch juſtice, before whom the party was convicted, over and above the price of the butter, which the ſaid buyer ſhall cauſe to be ſtripped; both which ſums of money the juſtice of the peace aforeſaid, before whom the conviction aforeſaid was, is hereby enabled and required to cauſe to be forthwith levyed by diſtreſs and ſale of the goods of the offender, by warrant under his hand and ſeal, unleſs the party or parties offending ſhall pay, or cauſe the ſame to be paid, to the party aggrieved without fraud or delay.

CHAP. XIII.

An Act to impower juſtices of the peace to determine diſputes about ſervants wages; and to oblige maſters to pay the ſame; and to puniſh idle and diſorderly ſervants.

WHEREAS ſeveral perſons do refuſe or neglect to pay the wages juſtly due to ſervants; and there being no remedy whereby they can in a ſummary way, without much charge or delay, recover what is due for their ſervice: be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority thereof, That for the more eaſy recovery of wages, which ſhall or may after the firſt day of November one thouſand ſeven hundred and ſeven become due to any day-labourer or artificer, ſervant or ſervants, whoſe demand at the time of complaint ſhall not exceed forty ſhillings, any

A. D. 1707. Chap. 13.

any juſtice of the peace of the county, where ſuch maſter or miſtreſs dwells, not living more than five miles from the dwelling-place of ſuch maſter or miſtreſs, and if no juſtice of the peace live within the ſaid ſpace of five miles, then the next neighbouring juſtice, and every chief magiſtrate of any city or town-corporate, wherein ſuch maſter and miſtreſs lives, within their reſpective counties, cities, or towns corporate, ſhall hereby be impowered, authorized, and required, upon the complaint of any ſuch labourer, artificer, or ſervant, that he or ſhe cannot receive his or her wages, to examine ſuch day-labourer, artificer, or ſervant upon oath, and to ſummon the maſter or miſtreſs (not being a peer or peereſs of this realm) to appear before him; and in caſe the ſaid maſter or miſtreſs neglect or refuſe to appear according to the ſummons, that then the ſaid juſtice of the peace is hereby authorized to grant a warrant directed to the conſtable, to apprehend ſuch maſter or miſtreſs, and bring him or her before the ſaid juſtice of the peace, or the chief magiſtrate, who, upon hearing both parties, is hereby to determine what ſhall be paid by the maſter or miſtreſs: and to that end ſuch juſtice of the peace or chief magiſtrate is hereby impowered to adminiſter ſuch oaths as ſhall be neceſſary for the determining the ſaid complaint: and if ſuch maſter and miſtreſs ſhall not pay what the juſtice of the peace or chief magiſtrate ſhall adjudge to be due to ſuch labourer, artificer, or ſervant, within ten days, then the ſaid juſtice of the peace or chief magiſtrate is hereby impowered by warrant under his hand and ſeal, at the inſtance of the labourer, artificer, or ſervant, directed to the conſtable, to levy ſo much as ſhall be adjudged due to ſuch labourer, artificer, or ſervant, by diſtreſs and ſale of the goods and chattels of ſuch maſter or miſtreſs ſo refuſing to pay, according to the determination of the ſaid juſtice or chief magiſtrate; rendring the overplus, if any be, (after ſix pence allowed to the conſtable, for the diſtreſs ſo taken) to ſuch maſter or miſtreſs.

II. Provided alſo, and be it further enacted by the authority aforeſaid, That if any perſon, who ſhall be diſmiſſed from his or her ſervice, doth not complain within three kalendar months after he or ſhe is out of the ſervice, he or ſhe ſhall have no benefit by this act: and that all determinations of the juſtice of the peace or chief magiſtrate by virtue of this act ſhall be final and concluſive to both parties.

III. And foraſmuch as ſeveral ſervants are idle, negligent, and diſorderly in their ſervices, be it further enacted by the authority aforeſaid, That upon the complaint of any maſter or miſtreſs for negligence or diſorder of his or her ſervant, and due proof thereof made, any juſtice of the peace inhabiting in the county, barony, liberty, city, or borough, or chief magiſtrate where the maſter or miſtreſs lives, is hereby impowered to order ſuch ſervant for ſuch neglect or diſorder to be whipped, put in the ſtocks, or ſent to the houſe of correction, there to be kept to hard labour, and puniſhed for any ſpace not exceeding ten days; and in caſe that the ſaid maſter or miſtreſs ſhall, after the ſaid time of puniſhment is expired, deſire to have the ſaid ſervant to return to their ſervice for the remainder of their time that by contract ſuch ſervant ought to ſerve, that then the ſaid juſtice of the peace or chief magiſtrate ſhall order the ſaid ſervant ſo to do; and in caſe the ſaid ſervant ſhall refuſe ſo to do, that then and in ſuch caſe the ſaid juſtice of the peace or chief magiſtrate is again to commit ſuch ſervant to the houſe of correction, to be kept to hard labour during the time he or ſhe ought to ſerve his or her maſter or miſtreſs according to contract, or until the next general quarter-ſeſſions of the peace, where the juſtices in open ſeſſions may examine the matter, and diſcharge the ſaid ſervant, or continue him or her, as to the juſtices ſhall ſeem meet.

IV. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of November one thouſand ſeven hundred and ſeven, no ſervant ſhall hire him or herſelf into any ſervice, while he or ſhe is actually in ſervice, and before the time, for which he or ſhe did contract or hired him or herſelf, be expired, without licence from his or her maſter or miſtreſs firſt obtained,

A. D. 1707. Chap. 13.

unleſs ſuch ſervant or ſervants do firſt give one months notice thereof to his or her maſter or miſtreſs; and in caſe any ſervant ſhall do the contrary, on complaint and due proof upon oath being made thereof to any juſtice of the peace or chief magiſtrate of the place, where ſuch ſervant reſides, every ſuch ſervant ſhall be committed to the houſe of correction for any time, not exceeding ten days, there to be kept at hard labour during that time.

V. And be it further enacted by the authority aforeſaid, That on the diſcharge or putting away any ſervant from his or her ſervice, the maſter or miſtreſs, who doth diſcharge or put them away, ſhall give a certificate in writing under his or her hand, that ſuch perſon, who is therein named, was his or her ſervant, and that he or ſhe is diſcharged from the ſaid ſervice; and ſhall in the ſaid diſcharge certifie, if deſired, the behaviour of ſuch ſervant.

VI. And whereas divers women do frequently hire themſelves to be nurſes, when they know themſelves to be with child, at the time they take upon them to nurſe, and others who know themſelves to have ſome foul or infectious diſeaſe, which may be communicated to the child they nurſe; all which is very deſtructive to children, and very pernicious to the publick: for remedy whereof be it enacted by the authority aforeſaid, That for the future no woman ſhall hire herſelf to be a nurſe, or take upon her the nurſing of any child, knowing herſelf to be with child at the time ſhe taketh the child to nurſe; neither ſhall any woman continue to nurſe any child, after ſhe knoweth herſelf to be with child, without giving notice thereof to the parents of the child; and that no woman that hath any foul or infectious diſeaſe, which may be communicated to the child, ſhall hire herſelf to be a nurſe, or take upon her the nurſing of any child, or ſhall continue to nurſe any child, after ſhe ſhall diſcover herſelf to have any foul or infectious diſeaſe: and that if any woman for the future offend therein, and any child be hurt thereby, on complaint made to any juſtice of the peace or chief magiſtrate of any city or town corporate within this kingdom, the ſaid juſtice of the peace or chief magiſtrate are hereby authorized and required to appoint two or more phiſitians, chirurgeons, or midwives, to examine the matter complained of, and to make their report upon oath, which the ſaid juſtice or chief magiſtrate is hereby impowered to adminiſter; and if they do on their oaths declare that the woman or nurſe complained of hath offended in any of the particulars aforeſaid, that then and in ſuch caſe every ſuch nurſe ſo offending ſhall forfeit ſuch wages as ſhall be then due to her, and alſo ſuch profit as ſhe ſhall have received on account of ſuch nurſing.

VII. And whereas many poor people, that have children, and no viſible way of ſuppor for them, do bring them up in idleneſs, and ſend them abroad to beg, whereby they acquire vitious habits, and become thieves and vagabonds, and a burthen to the country: be it therefore enacted by the authority aforeſaid, that it ſhall and may be lawful for any two or more juſtices of the peace in this kingdom, and for the chief magiſtrates in any city, town, or borrough, to enquire into and examine the condition of the poor families within their reſpective precincts, and where they ſhall find in any poor family that the children, ſons and daughters, are a burthen to the father or mother, or live by begging, or any unprofitable lazy way, and are fit either to be put prentice, or to go to ſervice, ſo as to be made uſeful to the common-wealth; it ſhall be lawful for the ſaid juſtices of the peace or chief magiſtrates to take ſuch children, ſons or daughters, from their parents, and either to put them out to prentice, with reſpect to their ages and conditions, or to ſend them to the houſe of correction or work-houſe, there to be kept at labour, until ſuch times as they ſhall betake themſelves to ſerve, or ſome viſible way of living. And alſo that it ſhall and may be lawful to and for the juſtices of the peace and chief magiſtrates aforeſaid to ſearch for and take up all idle young people, men or women, that are able to labour and fit to go to ſervice, and that have no viſible way of living, and to commit them to the houſe of correction or work-

work-houſe, there to be kept at hard labour, until they ſhall betake themſelves to ſervice, or ſome viſible lawful way of living.

VIII. And be it further enacted by the authority aforeſaid, That the maſter and keeper of every houſe of correction or work-houſe in this kingdom at every quarter-ſeſſions for the county, wherein he reſides, ſhall deliver an exact kalandar of the names of every perſon in his cuſtody, together with the time when, and by whom, committed to him, that ſo the juſtices may in open court inquire into the condition and circumſtances of each perſon, and either continue or diſcharge them, as ſhall ſeem to the court moſt juſt and reaſonable.

IX. And be it further enacted by the authority aforeſaid, That no maſter or miſtreſs ſhall hire any ſervant without a diſcharge as aforeſaid under the hand of the maſter or miſtreſs, with whom the ſaid ſervant laſt dwelt; and in caſe any perſon ſhall refuſe to give his or her ſervant a diſcharge and certificate of their behaviour as aforeſaid in this act, that the ſervant may apply him or herſelf to a juſtice of the peace or chief magiſtrate in any corporate town, who ſhall write to the maſter or miſtreſs of ſuch ſervant, (not being a peer or peereſs of this realm); and in caſe ſuch maſter or miſtreſs ſhall be a peer or peereſs of this realm, then to the ſteward or bailiff of ſuch peer or peereſs, and to require from them reſpectively the reaſon why ſuch ſervant is refuſed ſuch diſcharge, and certificate of his or her behaviour; and in caſe no anſwer be given to ſuch letter within the ſpace of ten days, or that the juſtice of the peace or chief magiſtrate ſhall find that the cauſe of the refuſal of ſuch certificate was not ſufficient, in every ſuch caſe the ſaid juſtice of the peace or chief magiſtrate may and are hereby required to give a certificate of ſuch cauſleſs refuſal; which certificate ſhall be given by the ſaid juſtice of the peace or chief magiſtrate without fee or reward, and ſhall diſcharge ſuch ſervant as fully to all intents and purpoſes, as if a certificate had been given by ſuch maſter or miſtreſs; and that any ſervant, counterfeiting or producing a counterfeited certificate under the hand of any maſter or miſtreſs, or juſtice of the peace, or chief magiſtrate, ſhall be committed to the houſe of correction, and there kept for the ſpace of ſix months to hard labour.

X. And for the better and more effectual obliging ſervants to obtain certificates of their behaviour in their former ſervice; be it enacted by the authority aforeſaid, That no ſervant not having ſuch certificate under the hand of the maſter or miſtreſs, whom he or, ſhe laſt ſerved, or, in default of their getting the ſame, from a juſtice of the peace, purſuant to this act, ſhall be entitled to recover any wages by vertue of this act from ſuch maſter or miſtreſs, to whom he or ſhe ſhall hire him or herſelf, without producing ſuch certificate before entring into ſuch ſervice: and if any perſon or perſons ſhall after the ſaid firſt day of November one thouſand ſeven hundred and ſeven, take into his or her ſervice any perſon, who has been in any former ſervice, without ſuch certificate from the former maſter or miſtreſs, in whoſe ſervice ſuch ſervant laſt was, or of ſuch juſtice of the peace or chief magiſtrate, every ſuch perſon receiving ſuch ſervant as aforeſaid into his ſervice as aforeſaid, being thereof lawfully convicted at the quarter-ſeſſions of the peace held for the county or place where ſuch offence ſhall be committed, ſhall forfeit the ſum of five pounds, to be levyed by diſtreſs and ſale of the offenders goods, by warrant from ſuch quarter-ſeſſions of the peace, rendering to the party the overplus; one moyety of every ſuch forfeiture to be to the Queen's Majeſty, her heirs and ſucceſſors, and the other moyety to the informer, who ſhall diſcover and make out the ſame.

XI. And be it further enacted by the authority aforeſaid, That this act be read twice in a year at the general quarter-ſeſſions, in open court, in the preſence of the grand jury (viz.) at Eaſter and Michaelmas ſeſſions yearly.

XII. Provided always, That this act ſhall continue in force for the ſpace of five years, and from thence to the end of the next ſeſſion of Parliament, and no longer. *Expired.*

CHAP.

A. D. 1707.

CHAP. XIV.

An Act to prevent the diſorders that may happen by the marching of ſoldiers, and for providing carriages for the baggage of ſoldiers in their march.

4 G. 1. 7. 3 G. 2. 10. 15 G. 2. 6.

WHEREAS great diſorders and abuſes have been committed by ſoldiers in their marches through this kingdom, to the damage of divers of her Majeſty's ſubjects: for remedy whereof be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the firſt day of November one thouſand ſeven hundred and ſeven, no detachment of ſoldiers above fifteen in number ſhall march through any part of this kingdom without one commiſſioned officer at leaſt; which ſaid officer ſhall, under pain of forfeiting his commiſſion, conſtantly march with the ſaid ſoldiers or troops, and keep them together and intire, and ſhall be anſwerable for all treſpaſſes and offences, which the ſoldiers under his command, or any of them, ſhall reſpectively commit in their marches, and ſhall give ſatisfaction for the ſame in manner as hereafter is mentioned: (that is to ſay) if any ſuch ſoldier or ſoldiers, trooper or troopers, during their march, ſhall commit any treſpaſs or other offence, to the damage of any of her Majeſty's ſubjects, that then and in ſuch caſe the officer commanding ſuch ſoldier or trooper, upon complaint of the party injured, or of any other on his behalf, is hereby required to cauſe immediate reparation or reſtitution to be made to ſuch perſon or perſons, who ſhall make complaint, or on whoſe behalf complaint ſhall be made to ſuch officer, of any treſpaſs or other injury done to him or them by any ſoldier or trooper under the command of ſuch officer as aforeſaid; and in default thereof the party injured, or ſome other on his behalf, is hereby impowered to repair to the next juſtice of the peace for the county, or to the mayor, ſovereign, or other chief magiſtrate of the city, borough, or town-corporate, where ſuch offence ſhall be committed, and by oath of the party injured, or of any other credible perſon, to prove and make appear before ſuch juſtice of the peace, mayor, ſovereign, or other chief magiſtrate, the particulars of the damage done to ſuch perſon or perſons by any ſuch ſoldier or trooper, whereupon the ſaid juſtice of the peace, mayor, ſovereign, or other chief magiſtrate, is hereby required to aſcertain the damage ſuſtained by the party complaining, by certificate under his hand and ſeal; for which no fee or

No detachment, above 15, to march without one commiſſioned officer:

to keep them conſtantly together, and to be anſwerable for treſpaſſes:

on complaint, to cauſe immediate reparation.

In default, a magiſtrate ſhall on complaint and proof aſcertain the damage by certificate, without fee.

or reward is to be paid or taken; and in caſe ſuch officer or officers, upon producing and tendring to him ſuch certificate, do not pay ſuch damage, ſo certified, within ſix hours to the party complaining of producing ſuch certificate, every ſuch officer ſhall forfeit the ſum of five pounds, to be paid by the paymaſter-general, or his deputy for the time being, without delay, fee, or reward, to the party producing ſuch certificate; and the ſaid penalty or forfeiture is by the ſaid paymaſter-general to be deducted out of the pay of ſuch officer ſo offending. A. D. 1707. Chap. 14.

Officer, on tender of certificate, to pay in 6 hours, on pain of 5 *l.* deducted by paymaſter general,

II. And be it further enacted by the authority aforeſaid, That no detachment of ſoldiers under fifteen in number ſhall march through any part of this kingdom without a ſerjeant or corporal, which ſaid ſerjeant or corporal is conſtantly to march with ſuch detachment, and keep them intire, under pain of being caſhiered, or of ſuffering corporal puniſhment, at the election of the officer commanding ſuch detachment: and in caſe any ſuch ſoldier or trooper ſhall in their ſaid march commit any treſpaſs or other offence, to the damage of any of her Majeſty's ſubjects, upon complaint thereof to ſuch ſerjeant or corporal, immediate reſtitution or reparation ſhall be made to the party complaining by ſuch ſerjeant or corporal; and in default thereof, the party injured is hereby impowered to prove his damage, and to procure a certificate thereof in manner before-mentioned; and upon producing ſuch certificate to the officer, to whoſe company or troop ſuch ſoldier or trooper ſhall belong, ſuch officer is hereby required immediately to pay the ſum certified, not exceeding forty ſhillings, to the party complaining or producing ſuch certificate; of which ſum ſo paid the ſaid officer is to deduct one moiety out of the pay of the ſerjeant or corporal, that marched with ſuch detachment, and the other moiety out of the pay of the ſoldier or ſoldiers committing ſuch treſpaſs: but in caſe ſuch officer ſhall neglect to pay the ſum certified as aforeſaid within twelve hours after producing to him ſuch certificate, ſuch officer for every ſuch neglect and refuſal ſhall forfeit the ſum of five pounds, to be paid and ſtopped in manner as is above-mentioned.

no detachment under 15, to march without a ſerjeant or corporal,

to make immediate reparation as before:

in default, the officer on producing ſuch certificate to pay, not exceeding 40 *s.*

a moiety out of pay of the ſerjeant or corporal, the other out of the ſoldiers.

Penalty on officer 5 *l.*

III. And whereas many inconveniencies happen by the irregular taking and preſſing of carriages for conveying of baggage belonging to ſoldiers on their march through this kingdom: for remedy whereof be it enacted, That upon the march of any regiment, troop, or company, or detachment, the quartermaſter, agent, or ſome other officer belonging to the ſame, ſhall produce the orders of the chief governor or governors of this kingdom, or a true copy thereof, ſigned by the commanding officer of ſuch regiment or detachment, to ſome one juſtice of the peace, or to the mayor, or other chief magiſtrate of the

The magiſtrate, to whom an officer on march produces orders of chief governors, ſhall iſſue warrants to conſtables in 12 hours to provide carriages,

30 *G.* 2. 6. *ſect.* 40. *Eng.*

A. D. 1707. Chap. 14.

place where ſuch carriages are to be provided; which juſtice, mayor, or other chief magiſtrate, ſhall upon ſight of ſuch orders, or of a true copy thereof, ſo ſigned as is aforeſaid, iſſue out his or their warrants to the conſtables within their reſpective diſtricts, or to the conſtable or conſtables within their reſpective diſtricts, or to the conſtable or conſtables of the next adjacent barony, hundred, or diſtrict, requiring them within twelve hours at fartheſt to provide a ſufficient number of carriages, ſo as the ſame does not exceed three wheel cars, or ſix ſlide-cars for each troop or company; and upon receipt of ſuch warrant, ſuch conſtable and conſtables are hereby impowered and required to make proviſion of ſuch cars and horſes within his and their reſpective diſtricts or pariſhes within the time aforeſaid, and to procure and get the ſame in readineſs. And in caſe any conſtable or conſtables ſhall neglect his or their duty herein, ſuch offender ſhall forfeit the ſum of ten ſhillings, to be recovered for the uſe of the poor of the pariſh before the juſtice of peace or magiſtrate, who ſhall ſign ſuch warrant, the party offending being duly convicted on the oath of one credible witneſs before ſuch juſtice of the peace or chief magiſtrate.

not above 3 wheel, or 6 ſlide, cars for each troop or company. 15 *G.* 2. 6.

Penalty on conſtable 10 s. to the poor.

3 *G.* 2. 10. Officer forcing the owner above one day's march, or not diſcharging in 2 hours after, ſuffering any ſoldier, *&c.* to ride on the carriage, forcing to provide ſaddle horſes, or any horſe from the owner,

IV. And be it further enacted, That if any military officer or officers, for the uſe of whoſe troop, company, or detachment, ſuch carriages ſhall be provided, ſhall force and conſtrain the owner or driver of any car or carriage to travel with his car or carriage more than one days march, according to the rout, or ſhall not diſcharge the ſame within two hours after they come to the end of ſuch days march, or ſhall ſuffer any ſoldier or ſervant, or any woman, to ride in any car or carriage ſo provided, or ſhall force any conſtable or petty conſtable by menace, or otherwiſe, to provide ſaddle-horſes for ſuch officer or officers, his or their ſervants, or ſhall take, or cauſe to be taken, by force any horſe or horſes from the reſpective owner or owners thereof, every ſuch officer ſhall for every ſuch offence forfeit the ſum of forty ſhillings, proof thereof being firſt made upon oath before one of her Majeſty's juſtices of the peace for the ſame county, or before the chief magiſtrate of the place, where ſuch offence ſhall be committed; who are to make certificate thereof to the paymaſter-general of her Majeſty's forces in this kingdom; who is hereby required, upon the receipt of ſuch certificate, to pay the aforeſaid ſum of forty ſhillings to the party injured; and the ſaid paymaſter is hereby impowered to deduct the ſame out of ſuch officers pay.

Penalty 40 s. on proof before and certificate of a magiſtrate to pay-maſter general. 20 *R.* 2. 5. *Eng.* 28 *H.* 6. 2. *Eng.*

not above 400 weight on a wheel, 200 on a ſlide car.

V. And be it further enacted, That no ſuch wheel-car or carriage ſhall be loaden with above four hundred pounds weight, nor any ſlide-car with above two hundred pounds weight; and

that no owner of ſuch carriages ſhall be compelled to take any loading, or be forced to proceed in the march with his reſpective carriage, till ſuch time as the officer, or other perſon, who ſhall require ſuch carriage, do pay down in hand to the owner of ſuch carriage, or his ſervant, the ſums herein after mentioned, for every mile or reputed mile they are to march: (that is to ſay) two pence *per* mile for every wheel-car, and one peny *per* mile for every ſlide-car; which ſum or ſums, ſo to be advanced and paid by ſuch officer or officers for ſuch car as aforeſaid, ſhall be repaid to ſuch officer or officers, by the paymaſter-general, or vice-treaſurer of this kingdom for the time being, on oath made by ſuch officer or officers before one of her Majeſty's juſtices of the peace, or chief magiſtrate of any city, or corporate town, of his or their payment of ſuch ſum or ſums for carriages as aforeſaid.

A. D. 1707. Chap. 14.

Two pence *per* mile for a wheel, 1 d. *per* mile for a ſlide car, to be advanced.

3 *G.* 2. 10. *rates enlarged.*

repaid to officer by paymaſter general on oath before a magiſtrate.

VI. And be it further enacted, That notice ſhall be given to the lord mayor of the city of Dublin, at leaſt twenty four hours before the march of any troops or companies of ſoldiers out of the ſaid city, of the number of the troops and companies appointed to march; whereupon the ſaid lord mayor for the time being ſhall ſummon a proportionable number of cars out of the licenſed cars, brick-cars, and other cars within the county of the ſaid city; and ſo from time to time the ſaid cars are by turns to be provided and imployed in carrying the baggage of ſuch troops or companies, at the prices and under the regulations herein before mentioned; and it is hereby directed, that no country cars or carriages coming to the markets of the ſaid city ſhall be detained or imployed in carrying ſuch baggage on any pretence whatſoever.

Twenty four hours notice of march out of Dublin to be given to lord mayor, who ſhall ſummon proportionable number of cars, under ſaid regulations.

VII. Provided nevertheleſs, if through the neglect of any conſtable, after notice given as aforeſaid, to provide carriages as before mentioned, the officer commanding in chief, for want thereof, ſhall be neceſſitated to halt, that then, and in ſuch caſe only, it ſhall and may be lawful to and and for the ſaid officer to take the carriages one days march more, according to the rout, paying two pence *per* mile, as before mentioned: and the owners of ſuch carriages, upon complaint made by them, or their ſervant, to any juſtice of the peace, or chief magiſtrate next adjoyning to the place where ſuch carriages were to have been provided, ſhall receive, over and above the two pence *per* mile before mentioned, two pence more *per* mile to be paid by the conſtable, who made default in providing carriages; the ſaid laſt ſum to be levied immediately after demand and refuſal, by warrant of any juſtice of the peace, or chief magiſtrate of the place next adjoyning; which ſaid juſtice, or chief magiſtrate, is hereby required

No country cars coming to Dublin markets ſhall be detained.

3 *G.* 2. 10. *extended to any markets.*

Officer obliged to halt thro' conſtables neglect may take the carriages one day's march more, at 2 d. *per* mile.

3 *G.* 2. 10.

And owner on complaint to a magiſtrate ſhall receive alſo 2 d. *per* mile from ſaid conſtable.

A. D. 1707. Chap. 14.

quired to grant the ſame immediately on demand, without fee or reward.

No quarters allowed, ſave while on march, or in or near a ſea-port to be tranſported, or during any commotion. 10 *H.* 7. 19.

VIII. And be it further enacted, that no officer, ſoldier, or trooper in her Majeſty's army, nor the ſervant of any officer, nor any attendant on the train of artillery, nor any yeoman of the guard, or battle-axes, nor any officer commanding the ſaid yeomen, nor any ſervant of any ſuch officer, ſhall at any time hereafter have, receive, or be allowed, any quarters in any part of this kingdom, ſave only during ſuch time or times as he or they ſhall be on their march as aforeſaid, or during ſuch time as he or they ſhall be and remain in ſome ſea-port town, or other place in the neighbourhood of a ſea-port town, in order to be tranſported, or during ſuch time as there ſhall be any commotion in any part of this kingdom, by reaſon of which emergency her Majeſty's army, or any conſiderable part thereof, ſhall be commanded to march from one part of this kingdom to another.

IX. Provided alſo, That all officers, ſoldiers, troops and companies in her Majeſty's army, that ſhall at any time before the twenty ninth of September one thouſand ſeven hundred and eight, march into the city of Dublin, or that now are in the ſame, may until the ſaid twenty ninth day of September one thouſand ſeven hundred and eight, and no longer, be provided with neceſſary quarters in the publick taverns and ale houſes within the ſaid city and liberties thereto adjoyning, during the continuance of ſuch troop or company in the ſaid city, without incurring any breach of this preſent act:

After 29th September 1708, the army in Dublin to be lodged in the barracks, and none to quarter or billet them on pain of 50l. to proſecutor. *Repealed* 4 *G.* 1. 7.

and that from and after the ſaid twenty ninth day of September one thouſand ſeven hundred and eight, the ſaid officers, ſoldiers, and troopers, ſhall be lodged in the barracks, which are now building near the ſaid city, and not in any other part of the ſaid city, ſuburbs, or liberties thereto adjoyning; and that from and after the ſaid twenty ninth of September one thouſand ſeven hundred and eight no ſheriff, conſtable, or other officer or perſon whatſoever, ſhall preſume to quarter or billet any ſuch officer, or ſoldier, or other perſon whatſoever in the ſaid city, ſuburbs, or liberties thereto adjoyning, under the penalty of forfeiting the ſum of fifty pounds, to be recovered in any of her Majeſty's courts of record by the perſon or perſons, that will ſue for the ſame.

Deſtroying game, poultry, fiſh, 10 *W.* 3. 8. 30 G. 2. 6. *ſec.* 47. *Eng.*

X. And be it further enacted, That from and after the firſt day of November one thouſand ſeven hundred and ſeven, if any officer or ſoldier ſhall without leave of the reſpective lord or lords of the manor, under his or their hands and ſeals firſt had and obtained, take, kill, or deſtroy any hare, coney, patridge, pheaſant, pidgeon, or any other ſort of fowl or poultry; or if any officer

or

or ſoldier ſhall deſtroy any fiſh, or her Majeſty's game within the kingdom of Ireland, and ſhall be thereof convicted upon the oath or oaths of one or more credible witneſſes, before any juſtice or juſtices of the peace, who is and are hereby impowered and authorized to hear and determine the ſame; every officer ſo offending, and being ſo convicted, ſhall for every ſuch offence forfeit the ſum of five pounds, to be diſtributed by the ſaid juſtice or juſtices of the peace amongſt the poor of the place, where ſuch offence ſhall be committed; and every officer commanding in chief upon the place, for every ſuch offence committed by any ſoldier under his command, and of which ſuch ſoldier ſhall be ſo convicted, ſhall forfeit the ſum of ten ſhilling, to be paid and diſtributed in manner aforeſaid; and if upon ſuch conviction and demand made of ſuch reſpective penalties by the conſtable, or overſeer of the poor of the pariſh, where ſuch offence ſhall be committed, ſuch officer ſhall refuſe, or ſhall by the ſpace of ten days neglect to pay the ſaid reſpective penalties, ſuch officer ſo refuſing or neglecting ſhall forfeit, and is hereby declared to have forfeited, his commiſſion, and his commiſſion is hereby declared null and void.

Penalty on officer 5 l. on ſoldier 10 s. to the poor.

Officer refuſing ten days, forfeits commiſſion.

XI. Provided always, That no civil magiſtrate or conſtable be obliged to find quarters for, or give billets to, more or other ſoldiers than thoſe only, whoſe true chriſtian and ſir-names ſhall be delivered to him in writing under the hand of the officer deſiring quarters or billets for ſuch ſoldiers, at the time ſuch quarters or billets are deſired; all which names ſhall be written together, and delivered in one piece of paper ſigned as is aforeſaid, and the chriſtian and ſir-names of every ſoldier to be quartered or billetted, together with the name of the perſon, on whom he or they ſhall be billetted or quartered, ſhall be given in writing by the conſtable or civil officer billetting or quartering ſuch ſoldier, and be contained in the billet given by ſuch civil officer.

Quarters or billets to thoſe only whoſe names delivered in writing under hand of the officer.

A. D. 1707.

CHAP. XV.

An Act to ſupply the defects, and for the better execution of an act, entituled, An act for the avoiding of privy and ſecret outlawries of his Majeſty's ſubjects in perſonal actions.

Recital of 11 *J.* 1. 8.

WHEREAS by an act of Parliament made in this kingdom in the reign of King James the firſt, entituled, *An act for the avoiding of privy and ſecret outlawries of his Majeſty's ſubjects in perſonal actions*; it is amongſt other things therein contained enacted in theſe words: *(viz.)* "That from and after "the end of the term next enſuing the end of this preſent ſeſſion "of Parliament, in every action perſonal, wherein any writ of "*exigent* ſhall be awarded out of any court, one writ or proclamation ſhall be awarded and made out of the ſame court, "having day of *teſte* and return as the ſaid writ of *exigent* ſhall "have directed, and delivered of record unto the ſheriff of the "county where the defendant at the time of the *exigent* ſo awarded ſhall be dwelling, which writ or proclamation ſhall contain "the effect of the ſame action; and that the ſheriff of the county, "unto whom any ſuch writ or proclamation ſhall be directed, "ſhall make three proclamations in this form following, and not "otherwiſe, (that is to ſay) one of the ſaid proclamations in the "open court, and another of the ſame proclamations to be made "at the general quarter ſeſſions of the peace in thoſe parts, where "the party defendant at the time of the *exigent* awarded ſhall be "dwelling, and one other of the ſaid proclamations to be made "one month at the leaſt before the *quinto exactus*, by virtue of "the ſaid writ of exigent, at or near to the moſt uſual door of the "church or chapel, or in caſe there be no church or chapel, in "the church-yard of that town or pariſh where the defendant "ſhall be dwelling at the time of the ſaid *exigent* ſo awarded; "and if the defendant ſhall be dwelling out of any pariſh, then "in ſuch place as aforeſaid of the pariſh in the ſaid county, and "next adjoining to the place of the defendants dwelling, and upon a ſunday; and that all outlawries had and pronounced after "the end of the term next enſuing the end of this preſent ſeſſion "of Parliament, and no writ of proclamation awarded and returned according to the form of the ſtatute, ſhall be utterly "void and of none effect: and that the officer, in whoſe office the ſaid writs of *exigents* and proclamation ſhall be made, "ſhall take no more for the making of any ſuch writs of proclamation, or the entring of the ſame of record, but ſix pence

" *sterl.* and that the sheriffs for making of the said proclamation " at or near to the church or chapel-door as aforesaid, shall have " twelve pence *sterl.* and no more:" which said law, though very good and wholsome, hath been very much perverted and abused by the evil practice of many persons carried on and used contrary to the tenor of the said act, and hath not obtained the good ends intended thereby: for remedy whereof, and for prevention of the like abuses and evil practices for the future, and for a further supplement to the said law be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by authority of the same, That from and after the twenty eighth day of November, in this present year of our Lord one thousand seven hundred and seven, no *quinto exactus* shall be returned by any coroner in this kingdom upon the *exigent* in any personal action, until affidavit to be made by two or more credible witnesses, it shall and may appear to such coroner, that such proclamations, as in and by the said recited act are required, are and have been made.

No *quinto exactus* to be returned by coroner on *exigent* in personal action till affidavit of two witnesses of proclamations made as by 11 *Y.* 1. 8.

II. And be it further enacted by the authority aforesaid, That such affidavit so made shall, together with the *exigent*, be returned by the coroner to the clerk of the outlawries, there to be filed and remain in his custody; and that from and after the said twenty eighth day of November one thousand seven hundred and seven, no clerk of the outlawries shall issue or make out any *capias utlagatum* upon any *exigent* so returned, till such affidavit be first filed with him as aforesaid, upon pain of forfeiting to the party grieved, for every *capias utlagatum* issued contrary to this act, the sum of forty pounds, to be recovered by action of debt in any of her Majesty's courts of record in Dublin, in which no essoign, protection, or wager of law shall be allowed, nor more than one imparlance.

Said affidavit with *exigent* returned to clerk of outlawries to be filed.

No *capias utlagatum* to issue till affidavit filed.

Penalty 40 l. to the party.

III. And for preventing delays of sheriffs in returning such writ or writs of proclamations as shall be directed and delivered to them, be it further enacted by the authority aforesaid, That all and every the sheriff of any county or city in this kingdom, to whom any such writ or writs of proclamations from and after the said twenty eighth day of November one thousand seven hundred and seven be directed and delivered, shall duly execute the same, and thereof make true return at the day of the same writ or writs appointed, together with such affidavit as aforesaid, upon pain to forfeit such fine or amerciament unto the Queen's Majesty, her heirs and successors, as by the discretion of the judges or justices, before whom such *exigent* shall be returned, shall set.

Sheriffs duly to execute writs of proclamation, and make true returns, with such affidavit, on pain of fine.

IV. And

A. D. 1707. Chap. 15.

Declaration in ſuch outlawry, after reverſal thereof and entering bail as by 11 *J.* 1. 8. ſhall be for ſame cauſe or ſum in ſuch writs of proclamation, otherwiſe defendants may plead this in bar.

IV. And be it further enacted by the authority aforeſaid, That every declaration or declarations, to be filed from and after the ſaid twenty eighth day of November one thouſand ſeven hundred and ſeven by any plaintiff in ſuch outlawry againſt the defendant or defendants therein, after reverſal thereof, and entring bail, as by the ſaid recited act is preſcribed, ſhall be for the ſame cauſe or ſum contained in ſuch writ or writs of proclamations to be directed and delivered as aforeſaid, and for no other cauſe or ſum; any law, cuſtom, or uſage to the contrary in any wiſe notwithſtanding. And if any plaintiff or plaintiffs in ſuch perſonal action, his or their attorney or attorneys, ſhall from and after ſuch reverſal as aforeſaid file a declaration or declarations againſt ſuch defendant or defendants as aforeſaid for any cauſe or ſum, other than what is contained in ſuch writ of proclamation as aforeſaid, then every ſuch defendant or defendants ſhall and may plead this law in bar to every ſuch other cauſe or ſum, contained in ſuch declaration contrary to this law.

Bail not anſwerable in any other action or ſuit.

V. And be it further enacted by the authority aforeſaid, That from and after the twenty eighth day of November one thouſand ſeven hundred and ſeven, where any bail ſhall be given in action or ſuit in any of the four courts in Dublin, that ſuch bail ſhall not be anſwerable, or charged, by reaſon of becoming bail as aforeſaid, in any other action or ſuit, or for any other matter or cauſe whatſoever, but the particular action or ſuit, in which ſuch perſon or perſons ſhall become bail, and no other; any practice or uſage of any of the ſaid courts to the contrary thereof notwithſtanding.

Outlawry, and no writ of proclamation as aforeſaid, void.

VI. And be it further enacted, That if any outlawry be had or pronounced from and after the twenty eighth day of November one thouſand ſeven hundred and ſeven, againſt any perſon or perſons in any action perſonal, and no writ or proclamation is awarded and returned as is aforeſaid, that then every ſuch outlawry to be utterly void, and of no effect or force in law; and that all outlawries, had after the ſaid twenty eighth day of November one thouſand ſeven hundred and ſeven contrary to this act, be avoided by averment or plea, without ſuing any writ of error.

All outlawries contrary to this act avoided by averment or plea.

CHAP.

A. D. 1707.

CHAP. XVI.

An Act for the more effectual preventing the taking away and marrying children againſt the wills of their parents or guardians.

19 *G.* 2. 13. Recital of 10 *C.* 1. 17. *ſeſſ.* 3.

WHEREAS by a ſtatute made in this kingdom in the tenth year of King Charles the firſt, intituled, *An act for the puniſhment of ſuch as ſhall take away maidens that be inheritors, being within the age of ſixteen years, or marry them without the conſent of their parents*; every perſon or perſons above the age of fourteen years are thereby puniſhed with fine and impriſonment, who ſhall take or convey away, or cauſe to be taken and conveyed away, any maid or woman-child unmarried, being within the age of ſixteen years, out of or from the poſſeſſion, cuſtody, or governance, and againſt the will of the father of ſuch maid or woman-child, or of ſuch perſon or perſons to whom the father of ſuch maid or woman-child by his laſt will, or by any other act in his life time, hath or ſhall appoint, and order the education of governance of ſuch maid or woman-child, and ſhall contract matrimony with the ſaid maid or woman-child, as by the ſaid act more at large appeareth; which ſaid puniſhment is not ſufficient to deter wicked and covetous men from committing ſuch heinous offences, but the ſame are daily perpetrated, to the great diſpleaſure of Almighty God, and the great heavineſs and grief of the relations and friends of ſuch perſons who are ſo unlawfully taken away: for reformation whereof, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons above the age of fourteen years, from and after the firſt day of November one thouſand ſeven hundred and ſeven, by fraud, flattery, fair promiſes, or other indirect means, ſhall ſecretly allure, take, and convey away, or cauſe or procure to be taken or conveyed away, any maid or woman-child, having ſubſtance in lands, tenements, or goods, or being heireſs to her anceſtor, and within the age of eighteen years, out of or from the poſſeſſion, cuſtody, or governance of the father or mother of ſuch maid or woman-child, or out of the cuſtody or power of the guardian or guardians of ſuch maid or woman-child, againſt the will of the father or mother of ſuch maid or woman-child, or of ſuch perſon or perſons who ſhall then have the guardianſhip of ſuch maid or woman-

The puniſhment therein not ſufficient.

If perſons above 14, by indirect means allure or take away a maid having ſubſtance in lands or goods, or heireſs, and under 18, from parent or guardian, and with her conſent contract matrimony,

A. D. 1707. Chap. 16.

woman-child, or of ſuch other perſon or perſons as ſhall then lawfully have the order, keeping, education, or government, of any ſuch maid or woman-child, and ſhall contract matrimony with ſuch maid or woman-child, by and with the conſent of ſuch maid or woman-child, the ſaid perſon and perſons, ſo taking away or procuring to be taken away and marrying the ſaid maid or woman-child without the conſent of the parent or guardian, and in caſe there be no parent or guardian appointed, then and in ſuch caſe of the lord chancellor, lord keeper, or commiſſioners of the great ſeal for the time being, and be thereof lawfully convicted, ſhall ſuffer impriſonment for the ſpace of three years without bail or mainprize, and ſhall be adjudged and taken to be for ever incapable and diſabled to have, receive, or take any manner of uſe, profit, or benefit whatſoever, in law or equity, of all or any part of the eſtate real or perſonal, to which ſuch maid or woman-child, or any perſon or perſons in truſt for ſuch maid or woman child at the time of ſuch marriage, or at any time thereafter, are or ſhall be ſeized of, intereſted in, or intituled unto.

penalty three years impriſonment, and for ever diſabled to take profits of her eſtate.

II. And be it further enacted by the authority aforeſaid, That the eſtate real or perſonal, which ſuch maid or woman-child, or any other perſon or perſons in truſt for her, ſhall be intereſted in, or intituled unto, at the time of ſuch marriage, or at any time afterwards, ſhall upon the conviction of ſuch perſon or perſons, ſo taking away and marrying ſuch maid or woman-child, be from the time of ſuch marriage veſted in ſuch truſtees as the ſaid lord chancellor, lord keeper, or the commiſſioners of the great ſeal, ſhall think fit to nominate and appoint; ſubject nevertheleſs to ſuch payments, charges, and demands, as the ſame was liable to at the time of ſuch marriage: and upon this further truſt and confidence that ſuch truſtees, and the ſurvivor and ſurvivors of them, ſhall and may receive the rents, iſſues, and profits, of the ſaid real and perſonal eſtate, and manage the ſame to the beſt profit and advantage during the joint-lives of the perſon ſo marrying: and in caſe ſuch woman happen to ſurvive her ſaid huſband, then to the intent and purpoſe that the ſaid truſtees, and the ſurvivor of them, ſhall pay unto ſuch woman out of the rents, iſſues, and profits of the premiſes, ſuch proportion thereof for and during her natural life for her maintenance, as the lord chancellor, lord keeper, or the lords commiſſioners of the great ſeal ſhall direct and appoint; and alſo ſuch ſum and ſums of money for the maintenance and education of the children of ſuch woman, as ſhall be appointed as aforeſaid: and upon this further truſt, and to the intent and purpoſe, that the ſaid eſtate real and perſonal, and all the profits and produce thereof, other than what ſhall be

Her eſtate veſted by chancery in truſtees ſubject to charges,

and if ſhe ſurvives, to pay a proportion for her maintenance,

and alſo for maintenance of the children.

diſpoſed

diſpoſed of as aforeſaid, or in payment of ſuch debts as the ſame was liable to before the ſaid marriage, and other than what ſhall be neceſſarily expended by the ſaid truſtees in execution of the ſaid truſt, ſhall from or after the death of ſuch woman ſo married as aforeſaid deſcend, go, and remain to ſuch perſon and perſons, as the ſame would have done in caſe this act had never been made.

Remainder after execution of the truſt to go upon her death to perſons intitled.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time after the ſaid firſt day of November one thouſand ſeven hundred and ſeven, by any ſubtile means, or ſecret inſinuations and deluſions, threats or menaces perſwade or procure the ſon and heir apparent, or other ſon, of any perſon or perſons having lands, tenements, or hereditaments, of the yearly value of fifty pounds, or perſonal eſtate of the value of five hundred pounds, or ſhall in manner aforeſaid perſwade or procure the eldeſt ſon, or any other ſon, of any perſon or perſons deceaſed to contract matrimony without the privity or conſent of the parents or guardians of ſuch eldeſt or other ſon, and ſuch matrimony be had as aforeſaid before ſuch ſon attain the age of twenty one years, every ſuch perſon or perſons contracting matrimony without the privity and conſent of ſuch parent or guardian, and in caſe there be no parent or guardian appointed, then and in ſuch caſe of the lord chancellor, lord keeper, or commiſſioners of the great ſeal for the time being, ſhall be and is hereby rendered incapable and for ever diſabled to ſue for, recover, or demand any dower, thirds, or any other part of the real or perſonal eſtate of ſuch ſon or ſons, or claim or demand any jointure, or other proviſion out of the real or perſonal eſtate of ſuch ſon or ſons, made to or in truſt for her, by any will, deed, or ſettlement whatſoever.

Perſwading or procuring ſon and heir or other ſon of a perſon having 50 l. *per annum*, or 500 l. perſonal eſtate, or of a perſon deceaſed, to marry before 21, without conſent of parents or guardians,

diſabled to demand dower, thirds or any proviſion by will, deed or ſettlement.

IV. And be it further enacted by the authority aforeſaid, That all perſons who ſhall be acceſſaries, aiders, abettors, or procurers, before the fact committed, in all and ſingular the ſeveral offences herein before mentioned, being lawfully convicted thereof, ſhall ſuffer three years impriſonment.

Acceſſaries before ſuffer three years impriſonment.

V. And be it further enacted by the authority aforeſaid, That if any perſon ſhall after the firſt day of November, in the year of our Lord one thouſand ſeven hundred and ſeven, celebrate, or take upon him to celebrate, any marriage of any ſuch perſons as aforeſaid, without ſuch conſent as aforeſaid, and be thereof lawfully convicted, every ſuch perſon, being a beneficed clergyman within this kingdom, ſhall be immediately from and after ſuch conviction *ipſo facto* deprived of all his ſpiritual livings and eccleſiaſtical preferments, and the ſame are hereby declared to be from thenceforth void; nevertheleſs no *lapſe* ſhall incur on any ſuch

Beneficed clergyman celebrating ſuch marriage, deprived: but no lapſe till ſix months after notice of conviction:

A. D. 1707. Chap. 16.

ſuch avoidance, until the end of ſix months after notice given to the reſpective perſons of ſuch conviction as aforeſaid; and ſuch clergyman ſo convicted ſhall from and after ſuch conviction be incapable of any ſpiritual preferment or promotion in this kingdom, or of receiving any benefit thereby; and every other perſon ſo offending and convicted as aforeſaid ſhall be tranſported out of this kingdom in ſuch manner and form as perſons exerciſing foreign juriſdiction, and popiſh regulars, are by law appointed to be tranſported: and if ſuch perſon ſhall after ſuch tranſportation return into this kingdom, he ſhall ſuffer all ſuch pains and penalties as perſons exerciſing foreign juriſdiction, and popiſh regulars tranſported, and after returning into this kingdom, are by the laws of this realm ſubject unto.

and incapable of ſpiritual preferment.

Other offenders tranſported, as perſons exerciſing foreign juriſdiction and popiſh regulars,

and the like penalties on return.

VI. And be it further enacted by the authority aforeſaid, That if any popiſh prieſt ſhall, after the firſt day of November one thouſand ſeven hundred and ſeven, preſume to celebrate the marriage of any the perſons aforeſaid, contrary to the true meaning of this act, or ſhall celebrate matrimony between any perſons, knowing that at the time of ſuch marriage they, or either of them, is of the proteſtant religion, every ſuch popiſh prieſt ſo offending, and being thereof lawfully convicted, ſhall be deemed, judged, and reputed to be a popiſh regular, and ſhall ſuffer all the pains, penalties, and forfeitures of a popiſh regular; any thing contained in an act, intituled, *An act for the regiſtring the popiſh clergy in this kingdom*, to the contrary in any wiſe notwithſtanding.

Popiſh prieſt celebrating ſuch marriage, or where knowing either party to be a proteſtant, to ſuffer penalties of popiſh regulars, 2 *Anne* 7. notwithſtanding.

8 *Anne.* 3.
12 *G.* 1. 3.
19 *G.* 2. 13. *the marriage made void.*
23 *G.* 2. 10. *yet felony in the prieſt.*

VII. And be it further enacted by the authority aforeſaid, That if any maid or woman be taken or carried away by force againſt her conſent, and after be married or defiled by ſuch perſon or perſons, who carried her away, or by any other perſon, by his or their aſſent or procurement, whether ſuch marriage or defilement be with or without the conſent of ſuch maid or woman, ſo carried away by force and againſt her will as aforeſaid, every ſuch perſon ſo marrying or defiling ſuch maid or woman, and the aiders and procurers of ſuch forcible taking away of ſuch maid or woman, and all, as well principals as acceſſaries before ſuch fact committed, ſhall loſe the benefit of clergy, and ſhall be deemed and adjudged to be felons, and ſhall ſuffer pains of death without benefit of clergy; any former law to the contrary thereof notwithſtanding.

To force away a woman, and afterwards marry or defile her with or without conſent, felony without clergy in principals and acceſſaries before.

19 *G.* 2. 13.
10 *C.* 1. 17. *Seſſ.* 3.
3 *H.* 7. 2. *Eng.*
39 *Eliz.* 9. *Eng.*
4 & 5 *P. & M.* 8. *Eng.*

VIII. And if any perſon or perſons, being principal or acceſſary before ſuch offences committed as aforeſaid, ſhall be indicted and arraigned for the taking away of any ſuch maid or woman by force, againſt her conſent, and marrying or defiling ſuch maid or woman as aforeſaid, and upon his or their reſpective tryals ſhall ſtand mute, or make no direct anſwer, or challenge peremptorily

Offenders ſtanding mute, or challenging peremptorily above twenty, felony without clergy.

peremtorily above the number of twenty, he, or they, in every ſuch caſe ſhall ſuffer the pains of death without the benefit of the clergy. A. D. 1707. Chap. 16.

A clauſe againſt John O Bryan for forcing away Margaret Mac Namara, and veſting her eſtate in truſtees.

IX. And whereas John O Bryan, who was bred a papiſt, and is a perſon of no fortune, hath forceably taken away Margaret Mac Namara, an infant of the age of thirteen years, out of the poſſeſſion and cuſtody of her mother Margaret Mac Namara, with intent to force the ſaid minor to marry him the ſaid John O Bryan, and to that end hath by force detained the ſaid minor for ſome months paſt in his cuſtody: be it further enacted by the authority aforeſaid, That if the ſaid Margaret Mac Namara junior hath ſince the eighteenth day of April, in the year of our Lord one thouſand ſeven hundred and ſeven, (on which day ſhe was forced away as aforeſaid) inter-married with the ſaid John O Bryan, in ſuch manner that the ſaid marriage may not be diſſolved or declared void by the eccleſiaſtical laws of this kingdom, then the fortune, to which the ſaid Margaret Mac Namara junior was intitled before ſuch marriage by her fathers will, or otherwiſe, being upwards of two thouſand pounds *ſterl.* ſhall be and is hereby veſted in the ſaid Margaret Mac Namara the mother, and Simon Purdon eſquire, who were appointed guardians of the ſaid minor by her ſaid fathers will, upon the following truſts: (that is to ſay) That they the ſaid Margaret Mac Namara the mother, and Simon Purdon, and the ſurvivor of them, and the executors and adminiſtrators of ſuch ſurvivor, ſhall out of the annual intereſt or produce of the ſaid fortune pay for and towards the ſeparate proviſion and maintenance of the ſaid Margaret Mac Namara junior the annual ſum of fifty pounds *ſterl.* to be received by her to and for her own ſeparate uſe, and to be diſpoſed of by any direction under her hand, without the intermedling of the ſaid John O Bryan, during the joint-lives of the ſaid John O Bryan and Margaret Mac Namara junior; and in caſe the ſaid Margaret Mac Namara junior ſhall out-live the ſaid John O Bryan, then in truſt and to the intent that the ſaid Margaret ſhall receive the full uſe and produce of the ſaid fortune during her natural life, as well what ſhall become due above the ſaid ſum of fifty pounds *per annum*, appointed for her ſeparate maintenance during the joint-lives of the ſaid John O Bryan and Margaret Mac Namara junior, as what ſhall become due after his death, in caſe ſhe ſurvive him; and after her death, in truſt as well the ſaid principal ſum as the intereſt thereof, to and for the uſe of ſuch child or children, being proteſtants, as ſhall be begotten on the body of the ſaid Margaret Mac Namara junior by the ſaid John O Bryan, or any other huſband ſhe ſhall happen to marry; but if the ſaid Margaret Mac Namara junior ſhall

A. D. 1707. dye in the life time of the ſaid John O Bryan, leaving one or more child or children, begotten on her body by the ſaid John O Bryan, then in truſt and to the uſe of ſuch child or children if they be bred proteſtants: but if the ſaid Margaret Mac Namara junior happen to dye in the life time of the ſaid John O Bryan, leaving no child or children by him begotten on her body, or if ſuch child or children ſhall not be bred proteſtants, or if all ſuch children ſhall dye before their ages of one and twenty years, and unmarried, then in truſt and to the uſe of the ſaid Margaret Mac Namara ſenior, her executors, adminiſtrators, or aſſigns.

CHAP. XVII.

An Act for ſuppreſſing lotteries and gaming-tables.

10 & 11 *Wil.* 3. 17. *Eng.* 9 *Anne* 6. *ſect.* 56. *Eng.* 12 *G.* 2. 28. *Eng.* 11 *Anne* 6. 13 *G.* 2. 8.

WHEREAS an act paſſed in this kingdom in the tenth year of his late Majeſty King William of glorious memory againſt deceitful, diſorderly, and exceſſive gaming; which law has not had the intended good effect, and ſeveral evil-diſpoſed perſons for divers years laſt paſt have ſet up many miſchievous and unlawful games called lotteries, and have thereby moſt unjuſtly and fraudulently got to themſelves great ſums of money from the children and ſervants of ſeveral gentlemen, merchants, and traders, and from other unwary perſons; and likewiſe other evil-diſpoſed perſons do keep publick and open gaming-tables, where young gentlemen, and other unwary perſons, play at dice and cards for great ſums of money, to the corruption of youth, the utter ruin and impoveriſhment of many families, and to the reproach of the laws and government of this realm: for remedy whereof be it declared and enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That all publick lotteries, and gaming-tables, and all other lotteries and gaming-tables that ſhall be kept in any publick houſes in any city, town corporate, or place within this kingdom (other than the Groom-porter's table, to be kept within the walls of her Majeſty's caſtle of Dublin, or other houſe in which the chief governor or governors for the time being ſhall reſide, during the time ſuch chief governor or governors ſhall actually reſide therein, and no longer) are and ſhall be deemed, taken, and adjudged to be common and publick nuſances; and that all grants, patents, and licences for ſuch lotteries and gaming-tables are void and againſt law, and ſhall be ſo deemed, taken, and adjudged.

Recital of 10 *Wil.* 3. 11.

All lotteries and gaming-tables (except Groom-porters during chief governor's reſidence) publick nuſances,

and grants and licences void.

II. And

A. D. 1707. Chap. 17.

II. And be it further enacted by the authority aforeſaid, That from and after the firſt day of November, which ſhall be in the year of our Lord God one thouſand ſeven hundred and ſeven, no perſon or perſons whatſoever ſhall publickly exerciſe, keep open, ſhew, or expoſe to be played at, drawn at, or thrown at; or ſhall publickly draw, play, or throw at, any lottery or game of fortune, either by or with dice, lotts, cards, balls, or any other numbers or figures whatſoever; and that no perſon or perſons whatſoever ſhall publickly exerciſe, keep open, ſhew, or expoſe any gaming-table or tables, device, or place, where any perſon or perſons ſhall play at dice or cards for money or goods, or ſhall bett or lay any wager or wagers on the ſides or hands of ſuch who play only for ſport and paſtime: and that if any perſon or perſons ſhall after the ſaid firſt day of November exerciſe, expoſe, open, or ſhew, to be played, thrown, or drawn at, any lottery, play, or device; or ſhall publickly exerciſe, keep open, ſhew, or expoſe any gaming-table or tables, device, or place, where any perſon or perſons ſhall play at dice or cards for money or goods, or ſhall bett or lay any wager or wagers on the ſides or hands of ſuch who play for any money or wager, or only for ſport and paſtime, every ſuch perſon or perſons ſhall forfeit ſuch ſum of money for every ſuch offence, as any two juſtices of the peace, or chief magiſtrate of any city or town corporate, where the offence ſhall be committed, ſhall adjudge fit and reaſonable, upon proof of the matter before him upon the oaths of two credible witneſſes, ſo as that ſuch ſum for any ſuch offence doth not exceed the ſum of forty ſhillings *ſterl.* which juſtices of the peace, or chief magiſtrate, is hereby impowered and required to ſummon the party complained of, and to hear and determine ſuch offences, and by warrant under his hand and ſeal, to cauſe the ſaid money to be levyed by diſtreſs and ſale of the goods of the perſon or perſons ſo offending; a moiety of the ſaid money and penalty to be to the uſe of the party, who ſhall inform the ſaid juſtices of the peace, or chief magiſtrate, of the ſaid offence; and the other moiety to the uſe of the poor of the pariſh where ſuch offence ſhall be committed: and if no ſufficient diſtreſs can be found, the party or parties offending ſhall by order of the ſaid juſtices of the peace or chief magiſtrate be publickly whipt on ſome market day in the open market of the ſaid city, town corporate, or next chief town of the county where the offence ſhall be committed.

Penalty on offenders, not above 40 s.

to the poor and informer;

for want of diſtreſs, to be whipped.

III. Provided, That every information concerning offences, mentioned in this act, be within ten days after the offence committed, and the proſecution and warrant for levying ſuch penalties as aforeſaid be had thereon within one month after ſuch warrant had.

Information in 10 days, &c.

CHAP.

A. D. 1707.

CHAP. XVIII.

An Act for encouraging the exportation of corn.

1 *W.* & *M.* 12. *Eng.* 12 & 13 *W.* 3. 10. *Eng.* 7 *G.* 15. *aſcertained by weight.* *and* 25 *G.* 2. 15. 31 *G.* 2 9.

FORASMUCH as it hath been found by experience, that the exportation of corn and grain into foreign parts, when the price thereof is at a low rate in this kingdom, hath been a great advantage, not only to the owners of land, but to the trade of this kingdom in general; may it pleaſe your Majeſty that it may be enacted, and be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That when malt, bear, or barly, is or ſhall be at ten ſhillings *per* quarter, or under, containing eight buſhels, rye at nine ſhillings *per* quarter, or under, containing eight buſhels, and wheat at fourteen ſhillings *per* quarter, or under, containing eight buſhels, in any port of this kingdom, every merchant, or other perſon, who ſhall put on ſhip-board in Britiſh or Iriſh ſhipping (the maſter and two thirds of his mariners at leaſt being her Majeſty's ſubjects) any ſort of the aforeſaid corn from any ſuch ports, where the rates ſhall not then be higher than as aforeſaid, with intent to export the ſaid corn to parts beyond the ſeas; every ſuch merchant, or other perſons, ſhall bring a certificate in writing under his hand or their hands, containing the quantity and quality of corn ſo ſhipped, to the farmers, commiſſioners, collectors, or other perſons appointed, or to be appointed for the time being, to collect the duties and rates ariſing by cuſtoms within any ſuch port; and upon proof made of any ſuch certificate by one or more credible perſon or perſons upon their oaths, (which oath the ſaid commiſſioners, or other perſons, are hereby authorized and required to adminiſter) and upon bond given by every ſuch merchant or other perſon in the ſum of two hundred pounds at leaſt for every hundred tuns of corn ſo ſhipped, and ſo proportionably, that the ſaid corn (danger of the ſeas excepted) ſhall be exported into parts beyond the ſeas, and not be again landed in the kingdom of Ireland; every ſuch merchant ſo ſhipping of any of the aforeſaid corn, and giving certificate and bond as aforeſaid, ſhall have and receive from ſuch farmers, commiſſioners, collectors, or other perſons in any port reſpectively, where the ſaid corn ſhall be ſo ſhipped, for every quarter, containing eight buſhels, of bear, barly, or malt, ground or unground, one ſhilling; for every quarter of rye one ſhilling, ground or unground; for every quarter of wheat, ground or unground, one ſhilling and ſix pence; which ſum or ſums every ſuch commiſſioner, farmer, or other perſon,

When malt, bear, or barley at 10 s. *per* quarter, rye at 9 s. and wheat at 14 s. or under.

Perſons putting the ſame in Britiſh or Iriſh ſhips (the maſter and two thirds being ſubjects) with intent to export,

and bringing certificate of the quantity and quality to collectors, *&c.* proved on oath,

and giving 200 l. bond every 100 tuns to export (danger of ſeas excepted) and not reland,

ſhall receive from collector, *&c.* for bear, barley, malt, or rye, 1 s. *per* quarter, wheat 1 s. and 6 d.

29 *G.* 2. 9. *further encouragement,*

perſon, are hereby authorized and required, upon demand by ſuch exporter, to make preſent payment of accordingly, without taking or requiring any thing for cuſtom, or any fee or reward for corn ſo laden to be exported, or for ſo much grain as ſhall be exported in any ſhip, wherein any other goods ſhall be ſhipped; any law, ſtatute, or uſage, in any wiſe to the contrary notwithſtanding: and upon certificate returned under the common ſeal of the chief magiſtrate in any place or places beyond ſeas, or under the hands and ſeals of two known merchants upon the place, that ſuch corn was there landed, or upon proof by credible witneſſes that ſuch corn was taken by enemies, or periſhed in the ſeas, the examination and proof thereof being left to the judgment of ſuch commiſſioners, farmers, collectors, or other perſons; which proof being made, a certificate delivered to ſuch perſon or perſons reſpectively as took bonds as aforeſaid, the ſaid bonds ſhall be delivered up to ſuch exporter, or his order, to be cancelled, without any fee for the ſame; and the monies by any ſuch commiſſioners, farmers, collectors, or other perſon, ſo paid in obedience to this act, ſhall be accepted of in his or their accompts, as ſo much paid to her Majeſty; and he and they is, are, and ſhall be diſcharged thereof accordingly.

A. D. 1707.

without cuſtom or fee.

On certificate under common ſeal of chief magiſtrate, or ſeals of two known merchants of the place where landed, or on proof of being taken by enemies or periſhed at ſea, ſaid bonds to be delivered up.

The money paid by collectors, &c. accepted in accounts.

CHAP. XIX.

An Act for ſettling and preſerving a publick library for ever, in the houſe for that purpoſe built by his grace Narciſſus, now lord archbiſhop of Armagh, on part of the ground belonging to the archbiſhop of Dublin's palace, near to the city of Dublin.

WHEREAS the moſt reverend father in God Narciſſus, lord archbiſhop of Armagh, primate and metropolitan of all Ireland, in the time that he was archbiſhop of Dublin, did, out of his generous inclinations to the publick good of this kingdom, for the propagation of the true Chriſtian religion as by law eſtabliſhed, and for the encouragement of learning, at his own great coſts and charges erect and build a fair large houſe upon part of the garden or ground belonging to the houſe of Saint Sepulchers, which is the ancient ſeat or palace of the archbiſhops of Dublin, near to the city of Dublin: and has alſo by the conſent of his grace William, lord archbiſhop of Dublin, fitted, prepared, deſigned, and appointed, the ſecond ſtory, or floor of the ſaid houſe for a publick library for ever, for the uſe of all perſons who ſhall reſort thereto, at the hours appointed for the library-keeper's attendance; and ſhall conform themſelves to the rules, orders, and directions of the governors thereof for the

A. D. 1707. Chap. 19.

time being: and has alſo provided all things convenient for the better order, uſe, and ſtanding of the books therein, intended to be kept; and hath likewiſe fitted and prepared the ground-rooms of the ſaid houſe for the accommodation of the reverend Mr. Elias Bohereau, the preſent library-keeper, and his ſucceſſors, keepers of the ſaid library for ever; and hath alſo laid out a piece of ground for a court or garden to the ſaid houſe, and another piece of ground for the enlargement of the ſaid houſe, and making a convenient paſſage thereinto for the lord archbiſhop of Dublin from his ſaid palace, when it ſhall be thought fit ſo to do; and, to avoid any inconveniences that might attend the archbiſhops of Dublin by means of a publick paſſage through their ſaid palace, hath made a convenient way or paſſage to the ſaid houſe from Saint Patrick's Cloſe, with the conſent of the dean and chapter of the cathedral church of Saint Patrick's Dublin, and has incloſed the ſame with a ſtone-wall, and placed a gate at the entrance thereof; the ſaid way or paſſage containing eighty four foot in length, and nine foot ſix inches in breadth, the ſaid ground, whereon the ſaid houſe is built, together with that which is laid out for making an addition to the ſaid houſe, and for a court or garden thereto, containing twenty perches and one hundred ſixteen foot, plantation meaſure, be the ſame more or leſs, bounded on the North by a parcel of ground belonging to the treaſurer of Saint Patrick's Dublin, ninety nine feet and ſix inches; on the Eaſt, by a garden belonging to the archbiſhop of Dublin's palace, fifty four feet, and by part of the ſaid palace fifty feet and ſix inches; on the South, by the back-way or paſſage leading to the archbiſhop of Dublin's palace, ſixty one feet ſix inches, and by part of the ſaid palace, thirty five feet; and on the Weſt, by the church-yard of Saint Patrick's Dublin, and by part of the paſſage to the ſaid library from Saint Patrick's-Cloſe, being together one hundred and two feet: and whereas the ſaid Narciſſus, lord archbiſhop of Armagh, hath alſo bought that very valuable collection of choice and excellent books, which was made by the learned doctor Edward Stillingfleet, late lord biſhop of Worceſter, deceaſed, containing two thouſand five hundred ſeventy and four books in *folio*, or thereabouts; ſix thouſand nine hundred thirty and eight in *quarto*, *octavo*, and leſſer volumes, beſides many pamphlets; and hath provided iron-chains, rods, and claſps, for the better preſervation of the larger books; and cloſe lattices, with locks, for the ſafe keeping of the books of the ſmaller ſize; all which ſaid books, together with the ſaid rods, claſps, lattices, and locks, are declared by the ſaid Narciſſus, lord archbiſhop of Armagh, from and immediately after paſſing this preſent act, to be by him beſtowed

on

on the publick, and deſigned to be lodged in the ſaid rooms, by him built, prepared, and deſigned, for a publick library: and whereas the ſaid Elias Bohereau, in conſideration of his being made keeper of the ſaid library, hath lodged a conſiderable number of books in the ſaid houſe, built by the ſaid Narciſſus, lord archbiſhop of Armagh, *(viz.)* three hundred ſeventy and three volumes in *folio*, three hundred eighty and three in *quarto*, one thouſand three hundred and twenty two in ſmaller volumes, beſides ſome unbound books; to the intent that the ſame ſhall, from the time of the paſſing this act, for ever remain and be kept in the ſaid library, as his gift, and as an addition to the ſaid library or collection of books ſo bought and given by the ſaid Narciſſus, lord archbiſhop of Amagh, for the ſame uſe and purpoſe, and no other: be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, at the humble ſuit of the ſaid Narciſſus, lord archbiſhop of Armagh, William lord archbiſhop of Dublin, the dean and chapter of Saint Patrick's Dublin, and the ſaid Mr. Elias Bohereau, that the houſe before mentioned to be built by the ſaid Narciſſus, lord archbiſhop of Armagh, the ground on which it ſtands, the garden or court thereto belonging, and the other parcel of ground herein before mentioned, to be laid out for the inlargement of the ſaid houſe, and for a way thereto from the archbiſhop of Dublin's ſaid palace, and the ſaid ground laid out for a way to the ſaid houſe from St. Patrick's-Cloſe; and alſo all and every the before mentioned books, chains, rods, claſps, locks, and keys, and alſo all the claſſes, ſhelves, deſks, tables, and all other appurtenances to the ſaid houſe and library belonging, ſhall be and are hereby actually ſettled and veſted in the ſaid archbiſhop of Armagh for the time being, the lord chancellor of Ireland for the time being, the lord archbiſhop of Dublin for the time being, the lord chief juſtice of her Majeſty's court of Chief-place in Ireland for the time being, the lord chief juſtice of her Majeſty's court of Common-pleas in Ireland for the time being, the lord chief baron of her Majeſty's court of Exchequer in Ireland for the time being, the dean of the cathedral church of the Holy Trinity, Dublin, for the time being, the dean of the cathedral church of St. Patrick's, Dublin, for the time being, and the provoſt of Trinity-college, near Dublin, for the time being, and their ſucceſſors for ever; in truſt, and to and for the reſpective uſes, intents, and purpoſes, in this act before mentioned, to be intended concerning the ſame reſpectively: and that the ſame ſhall remain, continue, and be in the ſaid truſtees and their ſucceſſors for ever unalienable, and without their being capable of forfeiting, ſelling, or

A. D. 1707. Chap. 19.

The publick library built by archbiſhop of Armagh at St. Sepulchre's Dublin, the ground, garden, &c. veſted in truſtees and their ſucceſſors for ever,

unalienable,

A. D. 1707. Chap. 19.

or otherwiſe diſpoſing of the ſame, otherwiſe than as in this act is hereafter mentioned; and alſo freed, and for ever diſcharged, of and from all judgments, ſtatutes, executions, extents, elegits, and of and from all other incumbrances of what kind or nature ſoever; and alſo of and from all right, title, intereſt, claim, or demand of him the ſaid Narciſſus, lord archbiſhop of Armagh, his executors, or adminiſtrators; and of the ſaid William lord archbiſhop of Dublin, and his ſucceſſors; and the ſaid dean and chapter of St. Patrick's, Dublin, and their ſucceſſors for ever; and of the ſaid Mr. Boherean, his executors or adminiſtrators: and alſo freed, and for ever diſcharged, of and from all manner of taxes, and of and from all chimney-money, hearth-money, and lamp-money, and of and from all manner of taxes or charges hereafter to be impoſed by act of Parliament, unleſs the ſame ſhall be charged expreſly, and by name, in and by ſuch future act or acts of Parliament; any law, uſage, or cuſtom to the contrary thereof in any wiſe notwithſtanding.

free from all incumbrances, and claims,

and taxes, unleſs hereafter expreſly charged;

II. And for the better preſervation of all the ſaid books, and of the ſaid houſe and library, with their and every of their appurtenances, and for making the ſaid library more uſeful to the publick, be it further enacted, That the lord archbiſhop of Armagh for the time being, the lord chancellor of Ireland for the time being; the lord archbiſhop of Dublin for the time being, the lord chief juſtice of her Majeſty's court of Chief-place, in Ireland, for the time being, the lord chief juſtice of her Majeſty's court of Common-Pleas, in Ireland, for the time being, the lord chief baron of her Majeſty's court of Exchequer, in Ireland, for the time being, the dean of the cathedral church of the Holy Trinity, Dublin, for the time being, the dean of the cathedral church of St. Patrick's, Dublin, for the time being; and the provoſt of Trinity-college, near Dublin, for the time being, ſhall be and are hereby created a corporation or body-politick for the purpoſes in this act contained only, and appointed governors and guardians of the ſaid houſe and library, built and erected by Narciſſus lord archbiſhop of Armagh, for ever; and that they the ſaid governors and guardians, or any three or more of them, the archbiſhop of Dublin being preſent and of that number, but in caſe the archbiſhop of Dublin be out of this kingdom of Ireland, or be ſick, or during the vacancy of the ſaid ſee of Dublin, that then any five or more of the ſaid governors and guardians ſhall have power and authority, and are hereby authorized to meet together from time to time, and as often as there ſhall be occaſion, to conſider of and to make ſuch reaſonable rules and orders for the better government and management of the ſaid houſe and library, as they ſhall think neceſſary and convenient:

ſaid truſtees a corporation for purpoſes of this act, governors and guardians,

to meet and make rules,

to

to which rules and orders, by the ſaid governors and guardians made as aforeſaid, the library-keeper for the time being ſhall for ever be ſubject, and ſhall from time to time obſerve, on pain of being ſuſpended from the ſaid office or imployment, and from the income, profits, lodgings, and perquiſites thereto belonging, at and during the pleaſure of the ſaid governors and guardians.

to be obſerved by the librarian, on pain of ſuſpenſion,

III. And be it further enacted, That in caſe the ſaid library-keeper ſhall continue obſtinate ſeven days after his being ſuſpended as aforeſaid, and will not obſerve the orders, rules, and directions of the ſaid governors and guardians, that then and in ſuch caſe the ſaid governors and guardians, or any five or more of them, the archbiſhop of Armagh, or the archbiſhop of Dublin for the time being, being preſent, and of the ſaid number, ſhall have power, and are hereby authorized to meet together, and to deprive and remove the ſaid library-keeper, of and from the ſaid office or imployment; and to take from him the income, profits, lodging, and perquiſites to the ſaid office belonging, from the time of his continuing and being declared obſtinate as aforeſaid; and alſo that another library-keeper be nominated and appointed in like manner, as if the library-keeper ſo deprived or removed were naturally dead.

and deprivation, if he continues obſtinate ſeven days afterwards.

IV. And be it further enacted by the authority aforeſaid, That the ſaid maſter Elias Bohereau be, and he is hereby declared, keeper of the ſaid library, for and during his life, ſubject nevertheleſs to and under the rules, conditions, proviſoes, and regulations herein expreſſed, touching and concerning the ſaid library-keeper for the time being.

Elias Bohereau librarian during life.

V. And that for his ſupport and maintenance, and for the ſupport and maintenance of the ſucceeding keepers of the ſaid library, your Majeſty's moſt loyal and dutiful ſubjects, the ſaid Narciſſus lord archbiſhop of Armagh, and the ſaid William lord archbiſhop of Dublin, humbly beſeech your moſt ſacred Majeſty, that it may be enacted, and be it enacted by the authority aforeſaid, That whenſoever either the chantorſhip or the treaſurerſhip of the cathedral church of St. Patrick's, Dublin, ſhall become void, that ſuch of the ſaid dignities, as ſhall firſt become void, ſhall be by your Majeſty, your heirs or ſucceſſors, or by the archbiſhop of Dublin or his ſucceſſors, in whoſe gift the ſame ſhall happen, to be conferred on the ſaid maſter Elias Bohereau, or the keeper of the ſaid library for the time being, who ſhall enjoy the ſame during his continuance in the ſaid employment, ſubject nevertheleſs, as a dignitary of the ſaid cathedral church, to all juriſdictions, viſitations, duties, and penalties, to which the chantor and treaſurer of the ſaid cathedral church, or either of them, are ſubject; and in like manner as the ſaid chantor and treaſurer, or

The chantorſhip or treaſurerſhip of the cathedral becoming void ſhall be conferred on him, ſubject to ſame juriſdictions.

A. D. 1707. Chap. 19.

either of them, are or were ſubject at the time of making this preſent act; any thing in this act contained to the contrary notwithſtanding: and if it ſhall happen that the ſaid library-keeper ſhall be legally deprived of his ſaid dignity conferred on him as aforeſaid, that then, upon certificate to the guardians and governors of the ſaid library of ſuch deprivation, the ſaid library-keeper ſhall be by the ſaid guardians and governors, or any three or more of them, alſo deprived of his office of keeper of the ſaid library, and another perſon ſhall be put in his place, as is before in this act mentioned.

On certificate of his being deprived of ſaid dignity, he ſhall be deprived of ſaid office.

Archbiſhop of Dublin to have appointment of librarian,

VI. And be it further enacted by the authority aforeſaid, That the nomination and appointment of a library-keeper for the ſaid library after the death or removal of the ſaid maſter Elias Bohereau ſhall be and is hereby veſted in the archbiſhop of Dublin for the time being; and that it ſhall and may be lawful for the ſaid archbiſhop of Dublin for the time being, as often as there ſhall be occaſion, upon the death or preferment of the library-keeper for the time being, or upon the ſurrender, forfeiture, or other avoydance of the ſaid office, to nominate and appoint a library-keeper for the ſaid library; and that the perſon ſo nominated and appointed, and none other, ſhall be the library-keeper for the time being, and be intitled to the lodgings or appartments under the ſaid library, or ſuch part thereof as the ſaid governors and guardians ſhall think fit, and the ſaid garden or court thereto allotted, and to the ſalary and other perquiſites to the ſaid office belonging: provided the perſon ſo nominated and appointed library-keeper be a preſbyter of the church of England or Ireland as by law eſtabliſhed, and that he has taken his maſter of arts degree in ſome of the univerſities or colleges of that part of Great-Britain formerly and commonly called England, or in Ireland; and that before his admiſſion to the office of library-keeper, he ſhall give to the ſaid guardians and governors ſecurity to the value of five hundred pounds *ſterl.* by recognizance with ſufficient ſureties that none of the ſaid books ſhall be loſt or otherwiſe imbezelled, and ſhall alſo take the oath following, *viz.*

who muſt be a presbyter of the church by law eſtabliſhed, and maſter of arts in England or Ireland,

give ſecurity for 500 *l.* that the books ſhall not be loſt,

and take the following oath.

I A B. *do ſwear, that I will uſe my utmoſt care and endeavour to preſerve all the books and other things, that are or ſhall be committed to my charge by the governors and guardians of the publick library built and erected by Narciſſus lord archbiſhop of Armagh, at or near to ſaint Sepulchres Dublin; and that I will not wittingly or willingly ſuffer any of the ſaid books, during my continuance in the office of library-keeper, to be lent abroad, given away, or imbezelled, or to be any wiſe damnified through my default,*

fault; and that I will, to the utmoſt of my power, obſerve all ſtatutes, rules, and conſtitutions already made, or hereafter to be made, concerning the office of the ſaid library-keeper, while the ſame ſhall continue in force, and I ſhall continue in the ſaid office. A. D. 1707. Chap. 19.

So help me God.

Which ſaid oath the archbiſhop of Dublin for the time being, or, in caſe of his abſence from Dublin, ſickneſs, or vacancy of the ſaid ſee, any two or more of the ſaid governors and guardians, are hereby authorized and impowered to adminiſter, and to tender the ſame.

Gifts to the library veſted in the governors to uſes appointed by donor.

VII. And be it further enacted, That all lands, tenements, ſum or ſums of money, books printed and manuſcripts, and all other things of what kind or nature ſoever, which ſhall at any time after the paſſing this act be given or diſpoſed of, whether perſonally, or by deed or will, to the uſe of the aforeſaid library, or office of library-keeper, ſhall be veſted in the ſaid governors and guardians of the ſaid library for the time being, to the uſe of the ſaid library or library-keeper for ever, and to ſuch other uſes, intents, and purpoſes, as ſhall be declared or appointed by the perſon or perſons giving, granting, or deviſing the ſame, and to no other uſe, intent, or purpoſe whatſoever, unalienable, and without their being capable of forfeiting, ſelling, or otherwiſe diſpoſing of the ſame, otherwiſe than as in this act hereafter mentioned: and that the ſaid governors and guardians for the time being, in their own names, as by the title of *the governors and guardians of the library erected by Narciſſus lord archbiſhop of Armagh at or near to ſaint Sepulchres Dublin*, ſhall have power, and are hereby authorized and impowered and enabled to accept, take, and receive, all ſuch gifts, grants, and legacies, and to ſtand and be ſeized and poſſeſſed thereof for ever, to the uſes and under the truſts aforeſaid, and be capable to ſue for the ſame in any court of law or equity; the ſtatute of *mortmain*, and all other laws, ſtatutes, uſages, or cuſtoms to the contrary thereof in any wiſe notwithſtanding.

Said governors may ſue for the ſame, *non obſtan.* ſtat of *mortmain.*

If 150*l. per annum* given to librarian for ever, ſaid dignity ſhall on next avoidance be diſpoſed of as if this act not made,

VIII. Provided always, and be it further enacted, That if any perſon or perſons ſhall at any time or times hereafter beſtow for the ſupport of the ſaid library-keeper, and the ſucceeding library-keepers, the ſum of one hundred and fifty pounds *per annum*, or more, for ever; that then the aforementioned dignity, conferred on the ſaid library-keeper, ſhall immediately upon the next avoidance of the ſaid office, be diſpoſed of by ſuch perſons, to whom the diſpoſal thereof ſhall of right belong, in

A. D. 1707. Chap. 19.

ſuch manner as if this act had never been made: and when any ſuch yearly ſum as aforeſaid ſhall be given for the ſupport of the ſaid library-keeper, that then and in that caſe the nomination of the library-keeper, when the ſaid office ſhall become vacant after the ſaid gift, ſhall be in ſuch manner as the ſaid governors and guardians, and ſuch perſon or perſons who gives ſuch annual ſums, ſhall direct and appoint; and that then and in that caſe the ſaid perſons, hereby required and impowered to nominate a library-keeper, ſhall not be obliged to chooſe a preſbyter, but, from and after the time of the ſaid dignities being ſeparated and taken away from the ſaid office, ſhall be and are hereby impowered to chooſe any perſon otherwiſe qualified as aforeſaid for the ſaid office; any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

and then the nomination of librarian ſhall on vacancy be as the governors and donor appoint, and no neceſſity to chuſe a presbyter.

IX. Provided always, that it may be lawful for the ſaid guardians and governors, or any three or more of them, to change any book or books, which ſhall hereafter be given to the ſaid library, and whereof there are duplicates in the ſame, for other books to be put into the ſaid library, or to ſell ſuch duplicates, and with the money ariſing by the ſale thereof to buy ſuch other books, as they ſhall think proper to be put into the ſaid library; any thing in this act contained to the contrary notwithſtanding.

Said governors may change books hereafter given, whereof there are duplicates; or ſell, and buy others.

X. And to perpetuate the memories of all ſuch, as ſhall hereafter be benefactors to the ſaid library, and to the intent that all, who are deſirous to know, may be informed how all legacies, ſum or ſums of money, lands, tenements, or other the premiſſes, which hereafter ſhall be given to the uſe of the ſaid library, are applied and diſpoſed of by the guardians and governors thereof; be it further enacted by the authority aforeſaid, That the library-keeper for the time being ſhall in a large vellum or parchment book, prepared and given by Narciſſus lord archbiſhop of Armagh for that purpoſe, enter and keep an exact account of all gifts, grants, ſum or ſums of money, books, and of all other things which ſhall be hereafter given for the uſe of the ſaid library, together with the names of the benefactors, the place of his, her, or their abode, and to what uſes the ſame were given, and how the ſame have been and are applied and diſpoſed of by the governors and guardians of the ſaid library; and that the ſaid book ſhall be ſigned by the library-keeper for the time being, and by him ſhall be expoſed to view in the moſt publick place of the ſaid library.

Librarian to enter in a vellum book all future gifts, benefactor's names, &c.

ſign the ſame, and expoſe it to view.

XI. And be it further enacted by the authority aforeſaid, That the library-keeper for the time being, or ſome other perſon to be appointed by the governors and guardians of the ſaid

This act, with a map of the ground, and rules and

library,

library, or any three or more of them, from time to time as there shall be occasion, shall in a fair vellum or parchment book, prepared for that purpose by the said Narcissus lord archbishop of Armagh, enter, or cause to be fairly written and drawn, this present act of Parliament, together with a map or plan of the ground hereby vested in the said guardians and governors, and all such rules and orders as shall be made by the said governors and guardians from time to time pursuant to this act; and that the said book containing the said act of Parliament, map, or plan of ground, and rules and orders, after they are signed by the said governors and guardians, shall be exposed to view in the most publick place of the said library. A. D. 1707. Chap. 19.

orders, to be entered in a vellum book,

signed by the governors and exposed to view.

XII. And be it further enacted by the authority aforesaid, That the said guardians or governors, or any three or more of them, whereof the archbishop of Dublin (unless then sick or out of this kingdom, or that the said see shall happen to be then vacant) shall always be one, and in case of such absence or sickness that one of the governors aforesaid, whom the said archbishop shall under his hand and archiepiscopal seal appoint to be present and of that number, shall on the second Thursday in the month of October in every year personally visit the said library, and inspect the state and condition of the same, and of every thing therein contained, and at such their visitation make such orders and rules, and give such directions concerning the same, as to them, or the major part of them, shall seem necessary and convenient; and that the said guardians and governors may adjourn their said visitations to such further time or times as they, or the major part of them, shall think fit.

Said governors to visit, inspect, and make rules the 2d Thursday in October yearly, and adjourn as they think fit.

XIII. And be it further enacted by the authority aforesaid, That the library-keeper for the time being shall prepare, on or before the first visitation of the said library, three fair catalogues of all the books and other particulars in the said library contained, which catalogues shall be signed by the said library-keeper, together with the names and titles thereof, one of which shall be constantly kept in the said library, another shall be delivered by the said library-keeper to the said guardians and governors, who shall depose the same with the archbishop of Dublin, to be kept by his grace and his successors for their use, and the third shall be lodged in the registry of the archbishop of Dublin: but in case it appears to the said guardians and governors, that the said library-keeper cannot prepare the said catalogues within the time above mentioned, limited, and expressed, that then the said guardians and governors shall allow

Three catalogues of the books to be prepared by librarian,

A. D. 1707. Chap. 19.

the ſaid library-keeper ſuch further time for the preparing the ſame, as to them ſhall ſeem convenient.

and as often as occaſion ſhall require after enlargement thereof.

XIV. And, if it ſhall happen that at any time hereafter the ſaid library ſhall be enlarged or augmented, be it further enacted, That the ſaid library-keeper for the time being ſhall from time to time, as often as occaſion ſhall require, make three fair catalogues of all ſuch books and other particulars, wherewith the ſaid library ſhall be ſo enlarged or augmented, and the ſame ſigned by him ſhall deliver to the ſaid guardians and governors at their next viſitation of the ſaid library after ſuch augmentation or enlargement; one whereof ſhall be by them depoſited in the ſaid library, another left in the cuſtody of the archbiſhop of Dublin for the time being for the uſe of the ſaid guardians and governors, and the third ſhall be lodged in the regiſtry of the archbiſhop of Dublin.

Due notice of meeting to be given.

XV. And whereas it is neceſſary that the ſaid governors and guardians ſhould have due notice of the time and place for their meeting, to execute the truſt repoſed in them by this act; be it further enacted, That the archbiſhop of Dublin for the time being, or in caſe of his abſence or neglect, that then any two of the ſaid governors and guardians are hereby directed to give due notice, or ſend ſummons to each of the ſaid governors and guardians of the time and place intended for the meeting of the ſaid governors and guardians for the purpoſes aforeſaid, twenty four hours at the leaſt before the time of ſuch meeting.

Librarian to keep the buildings in repair,

XVI. And be it enacted by the authority aforeſaid, That the ſaid Elias Bohereau, and all and every his ſucceſſors, keepers of the ſaid library, ſhall from time to time, and at all times hereafter, as often as need ſhall require, keep, ſupport, and maintain the ſaid library and the buildings thereof in good and ſufficient repair at his and their own proper coſts and charges; and in caſe he or they ſhall neglect the ſame, the archbiſhop of Dublin for the time being, and his ſucceſſors, ſhall and may receive ſo much of the revenue of the ſaid library-keeper hereby granted, as ſhall be neceſſary for ſuch reparations, and to apply the ſame accordingly: and that from and after the ſaid chantorſhip ſhall fall, and be enjoyed by ſuch keeper of the ſaid library, the ſaid archbiſhop and his ſucceſſors ſhall and may ſuſpend ſuch keeper of the library as aforeſaid, neglecting to keep the ſame in reparation, *ab officio et beneficio*, until the ſame ſhall be ſufficiently repaired as aforeſaid.

on neglect ſo much of his income to be applied;

and he may be ſuſpended by archbiſhop.

The vicarage of Burgage inſufficient to ſupport

XVII. And whereas the rectory of Burgage, *alias* Bleſinton, is part and parcel of the corps of the ſaid chantorſhip of St. Patrick's, and the vicaridge of the ſaid pariſh of Burgage is very

very ſmall, and inſufficient to ſupport the incumbent that has cure of ſouls in the ſaid pariſh: be it enacted, That it ſhall be lawful to and for the lord archbiſhop of Dublin for the time being, with the aſſent and conſent of the chantor for the time being, and of the dean and chapter of St. Patrick's Dublin, out of the tithes belonging to the ſaid chantor in the ſaid pariſh, to augment the ſaid vicaridge to the value of any ſum not exceeding fifty pounds *per annum*. A. D. 1707. Chap. 19.

the incumbent, Archbiſhop with conſent of the chantor, &c. may out of the tithes augment the ſame to value of 50 *l.* *per annum*.

XVIII. And whereas there hath been a union of the ſaid pariſh to the pariſh of Ballymore-Euſtace, which is found very inconvenient: be it enacted, That the ſaid augmentation ſhall not take effect in poſſeſſion, until the incumbent of the ſaid vicaridge ſhall conſent that the ſaid union be diſſolved; and from and after ſuch conſent of the preſent incumbent, in caſe he ſhall conſent thereunto, and from and after avoidance of the ſaid vicaridge by death or ceſſion of the preſent incumbent thereof, the ſaid union of the ſaid pariſhes ſhall be actually diſſolved, and the ſaid united pariſh of Burgage and Ballymore-Euſtace ſhall from thenceforth be and become two diſtinct and ſeparate pariſhes, as they were before the ſaid union; any ſtatute, law, act, or thing, to the contrary notwithſtanding.

but not till the vicar conſents that the union between that and Ballymore-Euſtace be diſſolved.

XIX. Saving nevertheleſs to her Majeſty, her heirs and ſucceſſors, and ſaving to all other perſon and perſons, bodies politick and corporate, their heirs, executors, adminiſtrators, and ſucceſſors, other than the ſaid Narciſſus lord archbiſhop of Armagh and his executors and adminiſtrators, and the ſaid William lord archbiſhop of Dublin, and his ſucceſſors, and the ſaid dean and chapter of the cathedral church of St. Patrick's Dublin, and their ſucceſſors, and the ſaid Elias Bohereau, his executors and adminiſtrators, all ſuch right, title, or intereſt, as they or any of them had, or may or might have, to the ſaid houſe, ground, books, and any other the premiſſes herein mentioned, and intended to be veſted in the aforeſaid truſtees for the reſpective uſes, intents, and purpoſes before mentioned, as if this act had never been made.

Saving the right of others.

CHAP. XX.

An Act for cleanſing the port, harbour, and river of Dublin, and for erecting a ballaſt-office in the ſaid city.

WHEREAS the river Annaliffey, which divides the city of Dublin, and makes the port thereof, is become extreamly ſhallow, and well nigh choaked from the bridge, commonly called Arrans-Bridge, to the bar of the ſaid port, to the great detriment of trade, and to the manifeſt hazard of the ſhipping

6 *G.* 1. 15. 10 *G.* 1. 3.

Ballaſt-office in Corke, &c. *by* 3 *G.* 2. 21.

A. D. 1707. Chap. 20.

ping reſorting to the ſaid city; which miſchiefs have been principally occaſioned by the licentious and irregular taking up of ballaſt, and breaking the banks of the channel, for want of proper laws for regulating how and in what manner the ſhipping, reſorting to the ſaid port and harbour, ſhall demean themſelves in relation to their throwing out or taking in of their ballaſt: and whereas the lord mayor, ſheriffs, commons, and citizens of Dublin, have humbly petitioned his Royal Highneſs Prince George of Denmark, lord high admiral of Great Britain and Ireland, that his Highneſs would interceed with your Majeſty for your gracious approbation of a bill for erecting a ballaſt-office, in ſuch manner as is herein after expreſſed: may it therefore pleaſe your moſt excellent Majeſty, at the requeſt of his Royal Highneſs, that it may be enacted, and be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the lord mayor, ſheriffs, commons, and citizens of the city of Dublin, at any time after the firſt day of May, which ſhall be in the year of our Lord one thouſand ſeven hundred and eight, to erect, or cauſe to be erected, in the ſaid city of Dublin one office, which from thenceforth ſhall be called and known by the name of the ballaſt-office of the port of Dublin, to the end that all ſhips, which ſhall thenceforth reſort to the ſaid port and harbour, may be furniſhed with ballaſt by the ſaid office, and not otherwiſe; and the lord mayor, ſheriffs, commons, and citizens of the city of Dublin, are hereby required at or before the ſaid firſt day of May to erect, or cauſe to be erected, ſuch ballaſt-office as aforeſaid in ſome proper or convenient place in the ſaid city, to be always under the government, inſpection, and direction of the ſaid lord mayor, ſheriffs, commons, and citizens of the ſaid city of Dublin; who are hereby conſtituted and ordained keepers and conſervators of the port of Dublin, and impowered to make ſuch orders, rules, and by-laws, for the well government of the ſaid office, and for the cleanſing of the ſaid channel, and for ſecuring of all ſhips as ſhall come into the ſaid port, as ſhall from time to time be approved, ratified, and confirmed, by the lord lieutenant, or other chief governor or governors of this kingdom, and ſix or more of the privy council of the ſame.

Lord mayor, ſheriffs, commons and citizens of Dublin to erect a ballaſt office,

to furniſh ſhips with ballaſt,

and be conſervators of the port, make by-laws, &c. confirmed by chief governors and ſix of the council.

II. And be it further enacted by the authority aforeſaid, That the ſaid lord mayor, ſheriffs, commons, and citizens of the city of Dublin, ſhall provide a ſufficient number of lighters or gabbards, together with workmen, tools, and engines, as ſhall be ſufficient for the raiſing the ballaſt in any part of the channel of

To provide lighters, workmen and tools, to raiſe ballaſt in the channel,

the ſaid harbour or river, as ſhall be by them judged expedient within the verge of the county of the ſaid city, to the lower part of the bar in the ſaid port, and ſhall furniſh all ſhips within the ſaid port with ballaſt, at the rates herein after mentioned, twenty four hours after notice given by the commanders, or maſters of the ſaid ſhips, to the proper officer at the ballaſt-office for that purpoſe, to be appointed to receive ſuch notification, ſo as wind and weather will permit; and in caſe wind and weather will not then permit them ſo to furniſh ballaſt, then within twelve hours after wind and weather will permit: provided always, that the Lord's-day (commonly called Sunday,) ſhall not be accounted any part of the twenty four hours or twelve hours aforeſaid. The ſaid ballaſt to be brought to the ſides of the ſhips as ſhall have occaſion for the ſame, and thence immediately thrown into ſuch ſhip or ſhips, by the crew of the ſaid ſhips reſpectively.

A. D. 1707. Chap. 20.

and furniſh ſhips 24 hours after notice by the maſters, if wind and weather permit; if not, in 12 hours after.

Sunday no part thereof.

Ballaſt brought to ſhips ſide, and thrown in immediately by the crew.

III. And to the end that the ſaid lighters be no longer detained than is neceſſary; for prevention of ſuch delays, be it enacted by the authority aforeſaid, That in caſe the crew of the ſaid reſpective ſhips ſhall neglect or refuſe to caſt in or caſt out their ballaſt, ſo as to occaſion any unreaſonable or unneceſſary delays therein, that then or in ſuch caſe the commander, or maſter of each ſhip, reſpectively ſo delaying, ſhall pay, or cauſe to be paid, to the maſter of the ballaſt-office for the time being, for the damage which the ſaid ballaſt-office ſhall ſuſtain, ſuch ſum or ſums of money as the lord mayor of the ſaid city for the time being ſhall in a ſummary manner finally judge and determine, ſo as that the ſaid ſum do in no caſe exceed twelve pence for each hour each lighter ſhall be unneceſſarily detained by the neglect or default of the ſaid commander or maſter, or by the neglect or default of the crew of ſuch ſhip or ſhips as aforeſaid.

If lighters unneceſſarily detained by fault of the maſters or crew, penalty to maſter of the office not above 1 s. *per* hour as by Lord mayor ſummarily determined.

IV. And be it further enacted by the authority aforeſaid, That every ſhip belonging to Great-Britain, or to Ireland, that ſhall take in any ballaſt in or above Salmon-pool from the ſaid office, ſhall pay, or cauſe to be paid to the officer, appointed to keep the ſaid ballaſt-office as aforeſaid, twelve pence *per* tun for every tun ſo delivered; and for each tun delivered below Salmon-pool, fifteen pence *per* tun; and all and every ſhip or ſhips belonging to foreigners ſhall pay for ballaſt one third part more *per* tun, than what is aforeſaid charged on Britiſh or Iriſh ſhips.

Britiſh or Iriſh ſhips in or above Salmon-pool to pay for ballaſt 12 d. *per* tun: below, 15 d.

Foreigners one third more.

V. And in regard the mending and cleanſing of the ſaid river and port will be of great uſe to all ſhips, which ſhall come within the bar of the ſaid port, as well ſuch as have occaſion for ballaſt, as others, and to all lighters, gabbards, and wherrys, within the ſaid port, and that a great and conſtant expence will be requi-

For mending and cleanſing the river and port,

A. D. 1707. Chap. 20.

site to accomplish and carry on the said work; be it therefore enacted by the authority aforesaid, That from and after the said first day of May, which shall be in the year of our Lord one thousand seven hundred and eight, all British and Irish ships which shall come within the said bar (ships in her Majesty's, her heirs and successors, pay only excepted) shall pay unto the said office two pence *per* tun, for every tun such ship or ships shall be burthen over and above the money payable for ballast as aforesaid, in case that they make use thereof; and every foreign ship so coming within the said bar as aforesaid, shall pay three pence *per* tun over and above the ballast money, in case that they also make use thereof; which tunnage, as well in British and Irish ships, and in foreign ships, shall be computed by outward gauging of the said ships respectively, and not otherwise; and the master of the said ballast-office for the time being, and all and every other officer and officers, for that purpose as aforesaid appointed, or to be appointed, is and are hereby impowered to make such outward gauge of all and every such ship and ships, as shall come into or go out of the said harbour, from time to time, as they shall see occasion for the doing thereof.

British and Irish ships within the bar (in the Queen's pay excepted) pay also 2 d. *per* tun burthen:

Foreigners 3 d.

Computed by outward gauging.

VI. And likewise, be it enacted by the authority aforesaid, That from and after the said first day of May all lighters, gabbards, and wherrys, which shall be usually imployed in the said port or river below the bridge commonly called the wooden bridge, in the city of Dublin aforesaid, shall pay, and their respective proprietors and owners shall be charged with the payment of, to the said ballast office the respective sums of money herein after mentioned; (that is to say) for every wherry five shillings fine, and five shillings *per annum*, during such wherrys being kept on the said river, port, or harbour; and every gabbard or lighter (other than the lighters belonging to the said ballast-office) ten shillings fine, and ten shillings *per annum*, for and during such gabbards or lighters being kept on the said river, port, or harbour.

Below wooden bridge, wherries to pay 5 s. fine, and 5 s. *per annum*, lighters (except of ballast office) 10 s. fine, and 10 s. *per ann. inforced* 6 G. 1. 15.

VII. And to the end that the said respective duties due and payable as aforesaid may be more effectually paid and levied, be it further enacted by the authority aforesaid, That it shall not be lawful to and for the officers of her Majesty's custom-house in Dublin to clear and discharge any ship or ships outward bound, or to permit any ship or ships outward bound to sail, till the commander or master thereof shall have brought a discharge from the master of the ballast-office, testifying such ship or ships to have paid and cleared their ballast money, in case they took in ballast; and likewise all and singular the duties by this act as aforesaid imposed; which discharge shall be immediately granted without fee or reward, fraud, or delay; in case of refusal or delay,

No ship to be cleared outward or permitted to sail till a discharge from ballast office, *or to sail coast-ways*, 6 G. 1. 15.

that

that then the maſter of the ballaſt-office ſo refuſing or delaying ſhall forfeit forty ſhillings for every ſuch refuſal or delay to the maſter of ſuch ſhip, to be recovered in a ſummary way before the lord mayor of the ſaid city for the time being, and to be levied by diſtreſs, on warrant of the ſaid lord mayor, and by ſale of the goods and chattles of ſuch maſter of the ſaid office.

Maſter of ballaſt office to forfeit for delay to maſter of the ſhip 40 s. before lord mayor.

VIII. And be it further enacted by the authority aforeſaid, That all and every the ſum and ſums of money ariſing, growing due, or levied from time to time, by force and vertue of this act (incident charges, ſalaries, and neceſſary expences of the ſaid ballaſt-office, being firſt paid and deducted) ſhall from time to time be imployed in amending and cleanſing the ſaid river and port: and in caſe that there ſhall be any overplus remaining, the ſame ſhall be applied towards the ſupport and maintenance of the hoſpital of Blew-coat boys in the ſaid city.

The money (after all expences) to be employed in cleanſing the river and port.

Overplus to *Blue-coat* hoſpital.

IX. And to the end that the ſame may be effectually done, be it enacted by the authority aforeſaid, That the lord mayor, ſheriffs, commons, and citizens, of the city of Dublin, ſhall once in every three years lay before the lord lieutenant general, and general governor of this kingdom, lord deputy, or other chief governor or governors of this kingdom, and council, a true and perfect account of the annual produce of the ſaid ſum and ſums of money as aforeſaid charged, and alſo how the ſame have been applied; which account ſhall be upon oath of the officer or officers concerned in receiving or paying thereof, (if ſo be that they ſhall be thereunto required) and in caſe the ſaid mayor, ſheriffs, commons and citizens, ſhall refuſe or neglect to account according to the meaning of this act, that for every ſuch refuſal or neglect they ſhall forfeit the ſum of one hundred pounds *ſterl.* to be recovered by any perſon who ſhall ſue for the ſame in the courts of Queen's-Bench, Common-Place, or court of Exchequer, by bill, plaint, or information, in which no eſſoign, nor any more than one imparlance ſhall be allowed; and the ſame ſhall be tryed by a jury of the county of Dublin; one half thereof to be given to the informer, and the other half to the uſe and benefit of the poor-houſe near the ſaid city.

Lord mayor, &c. to account every three years before chief governors and council,

on oath of the officers.

Penalty 100 l.

To informer and the poor houſe.

X. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord mayor, ſheriffs, commons, and citizens, of the city of Dublin, from time to time for ever hereafter to nominate, conſtitute, and appoint, ſuch officer or officers as they ſhall think fit and proper for the execution of the ſeveral branches of the ſaid ballaſt-office; and to eſtabliſh ſuch ſalaries and allowances to them, and every of them reſpectively, out of the produce of the duties herein before veſted in the ſaid office, as to the ſaid lord mayor, ſheriffs, commons, and citizens,

Officers and ſalaries appointed by Lord mayor, &c.

A. D. 1707. Chap. 20.

citizens, ſhall ſeem meet and reaſonable; and the ſame to increaſe and diminiſh as to them ſhall ſeem reaſonable; ſo as the ſame from time to time ſhall be ratified, confirmed, and approved of by the chief governor or governors, and ſix or more of the privy council of this kingdom, for the time being.

Approved by chief governor and ſix of council.

Caſting rubbiſh into the river or any ſhoar or ſtream emptying itſelf there,

XI. And to the intent that no aſhes, dirt, or filth, may for the future be caſt into the ſaid river, or into any common-ſhores, in the ſaid city of Dublin, or liberties thereunto adjoining, to the annoyance of the ſaid river Annaliffy: be it enacted by the authority aforeſaid, That every perſon or perſons, who ſhall caſt any aſhes, dirt, filth, or rubbiſh into the ſaid river, or into any ſhoar or ſtream that empties itſelf therein, within the ſaid city or liberties thereunto adjoining, being in a ſummary manner thereof convicted upon oath, before the lord mayor of the ſaid city for the time being, or before any one or more of the juſtices of the peace of the county of the ſaid city, or county at large, for crimes aforeſaid committed within their reſpective authorities, ſhall forfeit for every ſuch offence the ſum of five ſhillings, for the benefit and advantage of every ſuch perſon or perſons as ſhall and will diſcover and proſecute the ſame; which ſaid ſum of five ſhillings ſhall and may be levied by diſtreſs and ſale of the goods and chattels of the offenders, by the warrant of the ſaid lord mayor, or juſtice of the peace, before whom the party was convict, returning the ſaid parties the overplus: and in caſe the ſaid offender or offenders have not wherewithall to ſatisfie and pay the ſum of five ſhillings, that then and in ſuch caſe it ſhall and may be lawful to and for the ſaid lord mayor or juſtice of the peace reſpectively, to ſend the ſaid offender or offenders to the houſe of correction to be once whipped, or kept to hard labour, at his diſcretion, ſo as the confinement of the ſaid offenders to the ſaid houſe of correction may not, for any one fault, exceed the number of four days

penalty 5 s. to proſecutor,

in default of diſtreſs, ſent to houſe of correction four days, &c.

Ballaſt to be taken out of the channel, not from the ſtrand or banks,

XII. And for the more effectual cleanſing of the channel of the ſaid port and river; be it enacted by the authority aforeſaid, That all ballaſt, that ſhall be taken from and after the ſaid firſt day of May one thouſand ſeven hundred and eight, ſhall be taken out of the channel of the ſaid river of Annaliffy, and not from any part of the ſtrand or banks within the bar of the ſaid port, nor carried from one ſhip to ſupply another; and that no ballaſt ſhall be thrown out of any ſhip into the ſaid port or river within the bar, nor into any part of the ſaid harbour beyond the bar, upon pain of forfeiting for each of the ſaid offences the ſum of twenty pounds *ſterling* to the mayor, ſheriffs, commons, and citizens of Dublin, for the benefit and advantage, and to the behoof, of the ſaid ballaſt-office, to be recovered by action of debt, bill, plaint, or information, in any of her Majeſty's courts of record, wherein there ſhall be no eſſoign, protection or wager of

nor from one ſhip to another,

nor thrown out of a ſhip into the port, river, or harbour.

Penalty 20 l. to the ballaſt-office.

law, or more than one imparlance granted; and that every iſſue thereon ariſing ſhall and may be tried by a jury of the county of Dublin; any law, ſtatute, or uſage to the contrary notwithſtanding. A. D. 1707. Chap. 20.

Lighters to be ſent in 24 hours after notice of ſhip's arrival to receive the ballaſt.

XIII. And to the end that all and every of the ſhips, reſorting to the ſaid port of Dublin, may be eaſed of their ballaſt without delay; be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of May one thouſand ſeven hundred and eight, the ſeveral lighters to be employed in the ſaid ſervice ſhall from time to time, within twenty four hours after notice as aforeſaid, repair to ſuch ſhip or ſhips, which ſhall come into the ſaid port of Dublin, and thence take and receive into ſuch lighter or lighters all ſuch ballaſt as ſhall be on board ſuch ſhip or ſhips; for recompence whereof the commander or maſter thereof, in caſe the ſame be Britiſh or Iriſh ſhips, ſhall pay ſix pence *per* tun for every tun of ſuch ballaſt; and in caſe the ſaid ſhip or ſhips be foreign, then and in that caſe the commander or maſter ſhall pay eight pence *per* tun, and no more.

Britiſh or Iriſh to pay 6 d. *per* tun of ſuch ballaſt: Foreigners eight pence.

No ſhip to take ballaſt except from perſons appointed.

XIV. And be it further enacted by the authority aforeſaid, That no perſon or perſons from and after the ſaid firſt day of May one thouſand ſeven hundred and eight ſhall preſume to take up any ballaſt into their ſhip or veſſel, but from ſuch perſon or perſons as ſhall be thereunto appointed by the lord mayor, ſheriffs, commons and citizens of Dublin, or thoſe employed by them, on pain of forfeiting for every ſuch offence the ſum of five pounds, to be recovered in a ſummary way before the lord mayor of the ſaid city, as aforeſaid, for the uſe of the ſaid office.

Penalty 5 l. to the office.

Maſter of a ſhip, on notice to lord mayor of neglect of ballaſt officers, may employ other lighters.

XV. And to the end that no commander or maſter of any ſhip or ſhips, reſorting to the ſaid port of Dublin, may have juſt cauſe of complaint, that his voyage is retarded by neglect of the ſaid officers of the ſaid ballaſt-office, or that he ſuffers for want of removing his ballaſt; be it enacted by the authority aforeſaid, That in caſe the governor or officers of the ſaid ballaſt-office, or their ſervants, ſhall neglect or refuſe to take off, or bring in, ballaſt to any ſhip or ſhips within the ſaid bar at the reſpective times appointed for doing thereof as aforeſaid, that then it ſhall and may be lawful to and for the commander and maſter of ſuch ſhip or ſhips, at any time after notice given of ſuch neglect to the lord mayor of the ſaid city for the time being, to employ any other lighter or lighters, gabbard or gabbards, for the doing thereof; which ſaid lighter or lighters, gabbard or gabbards, ſo by them as aforeſaid employed, are hereby authorized and qualified to take up ſo much ballaſt, in the channel of the ſaid port or river only, as ſhall be requiſite for ballaſting of ſuch ſhip or ſhips ſo as aforeſaid neglected, or carry off ſuch ballaſt as ſhall be in ſuch ſhips

A. D. 1707. Chap. 20.

arriving into port, in case the master or officers and servants of the said ballast-office shall refuse or neglect the same within the prescribed days and times aforesaid; and in every such case, upon oath thereof made before the commissioners of the customs, every such master of any ship or vessel shall have his discharge and clearings out of the said port, as if he had produced such certificate from the master of the ballast-office as aforesaid: and every lighter or gabbard, which shall be so employed either in the loading or unloading of the ballast as aforesaid, on occasion of such neglect of the said ballast-office, shall be exempted from the payments of any duty or mulct to the said ballast-office for one year.

and on oth thereof before the commissioners, have his discharge, and lighters so employed exempt from duty to ballast office one year.

XVI. And to the end that the lighters to be employed by the said ballast-office may give good attendance to the service of the said office; be it enacted by the authority aforesaid, That no lighter or lighters, taken into the service of the said ballast-office, shall at any time carry any goods, wares, or merchandizes of any sort, to or from any ship or ships in the said port or river, on pain of forfeiting of treble the value of the gabbarage, or portage of such goods or merchandizes, to the party that shall discover the same; to be recovered in a summary manner before the lord-mayor of the city of Dublin for the time being.

Ballast office lighters not to carry goods,

Penalty, treble value of the portage, to discoverer.

XVII. Be it further enacted by the authority aforesaid, That all and every the officers and servants employed to execute this act, or any part thereof, shall be at liberty to plead and make use of this act in all or any of her Majesty's courts of justice, in like manner as if the same were a publick act of Parliament; and the same as a publick act shall be esteemed, deemed, and taken in all courts of justice in this kingdom.

This deemed a publick act.

THE

A. D. 1709.

THE EIGHTH YEAR OF ANNE.

CHAP. I.

An Act for the better ſecuring to her Majeſty the payment of ſuch duties as ſhall be granted to her Majeſty this ſeſſion of Parliament.

WHEREAS by one act made the laſt ſeſſion of this Parliament, intituled, *An Act for granting to her Majeſty an additional duty on beer, ale, ſtrong waters, tobacco, callicoes, linnens, muſlins, and other goods and merchandizes:* it is enacted, "That from and after the twenty ninth day of September one "thouſand ſeven hundred and ſeven, there ſhall be throughout the kingdom of Ire- "land raiſed, levyed, collected, and paid, by way of exciſe to her Majeſty, her "heirs and ſucceſſors, during the ſpace of one year and three quarters of a year, "commencing the twenty ninth day of September one thouſand ſeven hundred and "ſeven, and ending the twenty fourth day of June, which will be in the year of "our 6 *Anne* 1.

A. D. 1709.

" our Lord one thouſand ſeven hundred and nine, for and upon beer, ale, ſtrong-
" waters, to be made or brewed in this kingdom for ſale; and upon all tobacco,
" muſlins, linnens, white, painted, and ſtained callicoes, and upon ſilks and ſtuffs
" made or manufactured in Perſia, China, or the Eaſt-Indies, which ſhall be
" imported into this kingdom within the time above limitted, the ſeveral rates and
" duties in the ſaid recited act mentioned, over and above all other duties
" payable for the ſame, by virtue of an act made in this kingdom in the four-
14 & 15 C. 2. 8. & 9. " teenth year of the reign of King Charles the ſecond, intituled, *An Act for*
" *ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, accord-*
" *ing to the book of rates therein incerted*; or by virtue of one other act made in the
" ſaid fourteenth year of the reign of the ſaid King Charles, intituled, *An Act*
" *for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other*
" *ſums of money unto his royal Majeſty, his heirs and ſucceſſors; the ſame to be*
" *paid upon merchandizes imported and exported into or out of this kingdom of*
" *Ireland, according to a book of rates hereunto annexed,*" as by the ſaid firſt recited act may more at large appear; which ſeveral duties, in the ſaid recited act mentioned, will expire upon the ſaid twenty fourth day of June one thouſand ſeven hundred and nine: be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That it ſhall and may be lawful to and for the commiſſioners, collectors, and other officers of her Majeſty's revenue, to keep an account of the ſeveral rates and duties in the ſaid recited act mentioned, and ſeize, ſtop, and in their cuſtody to keep, all tobacco, muſlins, linnens, white, painted, and ſtained callicoes, ſilks and ſtuffs made or manufactured in Perſia, China, or the Eaſt-Indies, which ſhall be imported into this kingdom from and after the twenty fourth day of June one thouſand ſeven hundred and nine, until the end of this preſent ſeſſion of Parliament; unleſs the owners or proprietors of ſuch goods, their agents, factors, or ſervants, ſhall give good and ſufficient ſecurity by bond to her Majeſty in double the value of the ſaid goods ſo imported, conditioned to be void on ſuch perſons paying or cauſing to be paid all ſuch exciſe and duties, as are or ſhall be due to her Majeſty for the ſaid goods ſo imported, by force and virtue of any act or law to be paſſed in this ſeſſion of Parliament, over and above the hereditary exciſe or duties due to the crown out of the ſame, by virtue of any former law of force in this kingdom.

CHAP. II.

An Act for granting to her Majeſty an additional duty on beer, ale, ſtrong-waters, tobacco, callicoes, linnens, and other goods and merchandizes; and alſo a duty on rock-ſalt.

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, having a deep and grateful ſenſe of the many bleſſings we enjoy under your Majeſty's moſt glorious and auſpicious reign; and a delightful proſpect of a laſting and honourable peace, which we wholly owe (under God) to the wiſdom of your councils, and power of your arms; and being firmly perſwaded that we cannot more effectually contribute to the ſtrengthning and ſecuring the proteſtant intereſt of this kingdom againſt all foreign and domeſtick enemies, than by ſupplying and making good the neceſſary branches of your eſtabliſhment, and enabling your Majeſty to build in or near the city of Dublin an arſenal, or proper and ſafe place for preſerving and ſecuring ſuch arms, ammunition, and other warlike ſtores, as are already and ſhall hereafter be provided, and alſo for ſupplying your Majeſty's other occaſions for the neceſſary defence of this kingdom, have readily and unanimouſly given and granted, and do hereby give and grant, to your Majeſty the ſeveral additional and other duties of exciſe herein after

mentioned; and do moſt humbly beſeech your Majeſty, that it may be enacted, and be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June one thouſand ſeven hundred and nine, there ſhall be throughout this your Majeſty's kingdom of Ireland raiſed, levied, collected, and paid, to your Majeſty, your heirs and ſucceſſors, during the ſpace of one year, commencing the twenty fifth day of June one thouſand ſeven hundred and nine, and ending the twenty fourth day of June one thouſand ſeven hundred and ten, for and upon all beer, ale, *aquavitæ*, and ſtrong-waters, or ſpirits, that ſhall be brewed or made within this kingdom for ſale; and upon all tobacco, and muſlins, and upon ſilks or ſtuffs made or manufactured in Perſia, China, or the Eaſt-Indies, the ſeveral rates and duties herein after mentioned: (that is to ſay) for every thirty two gallons of beer or ale, of above ſix ſhillings the barrel price, brewed within this kingdom by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, one ſhilling and ſix pence, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo porportionably for a greater or leſſer quantity: for every thirty two gallons of beer or ale of ſix ſhillings the barrel or under, brewed within this realm by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, three pence, to be paid by the common brewer, or ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity: for every gallon of *aquavitæ*, ſtrong waters, or ſpirits, made or diſtilled within this realm for ſale, the ſum of three pence, to be paid by the firſt maker or diſtiller thereof: for every pound weight of tobacco imported during the time aforeſaid into this realm, three pence half penny: for every yard of muſlin imported into this kingdom, the ſum of ſix pence: and for every yard of all ſilks and ſtuffs made or manufactured in Perſia, China, or the Eaſt-Indies, imported into this kingdom during the times aforeſaid, the ſum of one ſhilling and ſix pence.

for one year from 24th June 1709.

On beer and ale, above 6 s. 1 s. and 6 d. *per* 32 gallons,

of 6 s. or under, 3 d.

Strong waters 3 d. *per* gallon, tobacco three pence halfpenny *per* pound, muſlin, 6 d. *per* yard, Eaſt India ſilks and ſtuffs, 1 s. and 6 d.

II. And be it further enacted by the authority aforeſaid, that all white, painted, and ſtained callicoes, and all ſorts of linnen, which ſhall be imported into this kingdom, at any time within the ſpace of one year, commencing the twenty fifth day of June one thouſand ſeven hundred and nine, and ending the twenty fifth day of June one thouſand ſeven hundred and ten, and from thence to the end of the next ſeſſion of Parliament, ſhall anſwer and pay unto her Majeſty, her heirs and ſucceſſors, the ſeveral rates and duties following: (that is to ſay) one ſhilling and ſix pence *per* yard for every yard of white, painted, and ſtained callicoes, which ſhall be imported into this kingdom within the time aforeſaid; and ſix pence *per* yard for every yard of any ſort of linnen, which ſhall be imported into this kingdom during the time aforeſaid.

White, painted and ſtained callicoes, 1 s. and 6 d. *per* yard.

Linen, 6 d.

III. And be it further enacted by the authority aforeſaid, That the ſaid ſeveral duties, rates, and impoſitions hereby granted and charged, as well upon beer, ale, ſpirits, *aquavitæ*, and ſtrong-waters, as upon tobacco, muſlins, linnens, callicoes, ſilks, and ſtuffs, ſhall be raiſed, levied, collected, and paid to her Majeſty, her heirs and ſucceſſors, during the reſpective times aforeſaid, over and above all other duties payable for the ſame, by vertue of an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; and by vertue of one other act made in the ſaid fourteenth year of the reign of the ſaid King Charles, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money, unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of this kingdom of Ireland according to a book of rates hereunto annexed.*

Levied as by 14 *C.* 2. 8.

and 14 *C.* 2. 9.

and 14 *C.* 2.

IV. And be it further enacted by the authority aforeſaid, That the ſum of twelve pence *per* tun, and no more, ſhall be paid to her Majeſty, her heirs and ſucceſſors, for

On rock ſalt imported 12 d. *per* tun in lieu of all duties.

A. D. 1709.

for every tun of rock-ſalt, which ſhall be imported into this kingdom, from and after the twenty fourth day of June one thouſand ſeven hundred and nine, in lieu of all duties heretofore payable thereout.

14 C. 2. 8.

V. And be it further enacted by the authority aforeſaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauſes, matters, and things, which in and by the ſaid act of Parliament, intituled, *An act for the ſettling of the exciſe, or new impoſt, upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, are provided, ſettled, or eſtabliſhed, for raiſing, levying, collecting, recovering, adjudging, or aſcertaining the duties thereby granted, ſhall be exerciſed, practiſed, applied, uſed, levied, recovered, and put in execution for the raiſing, levying, collecting, recovering, adjudging or aſcertaining the duties thereby granted, ſhall be exerciſed, practiſed, applied, uſed, levied, recovered and put in execution, for the raiſing, levying, collecting, recovering and paying all and ſingular the duties and impoſitions by this act granted and impoſed upon the ſeveral liquors and other commodities herein mentioned and expreſſed, as fully and effectually to all intents and purpoſes, as if all and every of the ſaid powers, authorities, rules, directions, methods, penalties, forfeitures, clauſes, matters, and things, were particularly repeated and again enacted in the body of this preſent act, with the like liberty to appeal to and for the party grieved, as in and by the ſaid act of exciſe is provided.

The duty on callicoes and linnen, to the ſupport of linnen manufacture. 9 *Anne* 3.

VI. And be it further enacted by the authority aforeſaid, That the aforeſaid reſpective duties, laid and impoſed by this act on all white, painted, and ſtained, callicoes, and other ſort of linnen, which ſhall be imported into this kingdom after the ſaid twenty fourth day of June one thouſand ſeven hundred and ten, and from thence until the end of the next ſeſſion of Parliament, ſhall be applied to the uſe and ſupport of the linnen-manufacture in this kingdom, and to no other uſe whatſoever.

Sums payable out of ſaid additional duties.

VII. And be it enacted by the authority aforeſaid, That the ſeveral ſums hereafter mentioned, be paid out of the aforeſaid additional duties and aids to the perſons hereafter named: (that is to ſay) two hundred pounds *ſterl.* to Thomas Tilſon, the elder, clerk of the houſe of commons; one hundred and fifty pounds *ſterl.* to Thomas Tilſon the younger, another of the clerks of the houſe of commons; two hundred pounds *ſterl.* to Bruen Worthington, clerk aſſiſtant; two hundred pounds *ſterl.* to Richard Povey, ſerjeant at arms attending the commons; one hundred and fifty pounds to Daniel Golburne, the clerk attending the committee of accounts and other committees, and fifty pounds *ſterl.* to George Spike, doorkeeper of the commons, as rewards for their ſeveral ſervices and attendance this ſeſſion of Parliament; and alſo the further ſum of eight hundred pounds *ſterl.* to the ſaid Thomas Tilſon the elder, in full of all demands due to him from the crown; which ſaid ſeveral ſums are to be paid by the vice-treaſurer or receiver general of this kingdom, without any further or other warrant to be ſued for, had, or obtained in that behalf.

CHAP. III.

An Act for explaining and amending an Act intituled, *An Act to prevent the further growth of popery.*

2 *Anne* 6. eluded by ſettlements on papiſts, annuities, &c.

WHEREAS an act made in this kingdom in the ſecond year of the reign of her preſent Majeſty, intituled, *An act to prevent the further growth of popery*, has been eluded by making of ſettlements on papiſts, by granting annuities for lives, in tail, and fee-ſimple, and by perfecting collateral ſecurities, as judgments, recognizances, and ſtatutes defeazanced, for performing the

covenants

covenants in ſuch deeds of annuity, and for anſwering private truſts for the benefit of ſuch papiſts, under colour and pretence that annuities, being only perſonal and not real inheritances, are not comprehended within that clauſe of the ſaid act, whereby papiſts are diſabled from purchaſing lands and tenements: for remedy whereof, and for avoiding all diſputes that may ariſe thereon, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That no papiſt, nor any other perſon or perſons in truſt for any papiſt, ſhall from and after the tenth day of May one thouſand ſeven hundred and nine, be capable to take, have, or receive, any annuity for life, or term of years determinable on any life or lives, or for any greater or leſſer eſtate any ways chargeable on, or that may affect, any lands, tenements, or hereditaments; and that all judgments, ſtatutes of the ſtaple or merchant, recognizances, and all and every other ſecurity and ſecurities whatſoever, which at any time hereafter ſhall be entered into, acknowledged, made, or perfected to any papiſt or papiſts, or to any other perſon or perſons in truſt for, and to the uſe of, ſuch papiſt or papiſts, for the ſecuring of any ſuch annuity or annuities, or performance of any ſuch truſt, and every judgment or judgments obtained, had, or to be had, on ſuch annuity, as far only as ſuch judgment or judgments may affect any lands, tenements, or hereditaments of ſuch papiſt or papiſts, ſhall be and are hereby declared to be, null and void to all intents and purpoſes. A. D. 1709. Chap. 3.

Annuities to, or in truſt for, papiſts, that may affect lands, and judgments, &c. to ſecure the ſame ſo far void.

II. Provided nevertheleſs, that any papiſt, to whom ſuch annuity ſhall or may be granted, may upon judgment obtained, take out execution againſt the perſon or perſonal eſtate of ſuch grantor.

But execution may be againſt the perſon and perſonal eſtate of grantor.

III. And be it further enacted by the authority aforeſaid, That where and as often as any child or children of any popiſh parent or parents hath or have heretofore profeſſed or conformed him, her, or themſelves unto, or ſhall hereafter conform him, her, or themſelves to, the proteſtant religion as by law eſtabliſhed, and enrol in the high court of Chancery a certificate of the biſhop of the dioceſs in which he, ſhe, or they ſhall inhabit or reſide, teſtifying his, her, or their being a proteſtant or proteſtants, and conforming him, her, or themſelves to the church of Ireland as by law eſtabliſhed, it ſhall and may be lawful for the high court of Chancery, upon a bill founded upon this act, to oblige the ſaid popiſh parent or parents, to diſcover upon oath the full value of all his, her, or their eſtate, as well perſonal as real, clear over and above all real incumbrances and debts contracted *bona fide* for valuable conſideration before the enrolment of ſuch certificate, and thereupon

Children of popiſh parents conforming and inrolling in Chancery biſhop's certificate thereof, on a bill the parent to diſcover on oath clear value of real and perſonal eſtate,

and an order to be made for their maintenance and portions thereout.

A. D. 1709. Chap. 3.

thereupon to make ſuch order for the ſupport and maintenance of ſuch proteſtant child or children, by the diſtribution of the ſaid real and perſonal eſtate to and among ſuch proteſtant child or children, for the preſent ſupport of ſuch proteſtant child or children, and alſo to and for the portion or portions, and future maintenance or maintenances, of ſuch proteſtant child or children, after the deceaſe of ſuch popiſh parent or parents, as the ſaid court ſhall judge fit; by which order the real and perſonal eſtate of ſuch popiſh parent ſhall be charged with ſuch portion and portions, future maintenance and maintenances, and ſupport, from the time of the enrolment of ſuch certificate as aforeſaid, notwithſtanding any fraudulent gift or ſale, or voluntary diſpoſition, or any voluntary charge or incumbrance by ſtatute ſtaple, judgment, bond, deviſe, or otherwiſe made, entered into, acknowledged, ſuffered or done, after the enrolment in the high court of Chancery of the certificate aforeſaid: provided that ſuch order and diſtribution among the proteſtant children of ſuch popiſh parent ſhall not exceed one third part of the perſonal and real eſtate, for the maintenance and ſupport of ſuch proteſtant child or children during the life of ſuch popiſh parent.

Notwithſtanding any fraudulent gift or ſale or voluntary diſpoſition or incumbrance after ſaid inrolment.

Such order not to exceed one third during parents life.

IV. And whereas ſuch popiſh parents do frequently ſet up ſuch fraudulent ſettlements and incumbrances, and make fraudulent leaſes at low and inconſiderable rents, to make their eſtate real and perſonal appear ſmall and of little value, in order to deprive ſuch of their children, as ſhall become proteſtants, of a reaſonable ſupport and maintenance, and ſuch devices are carried on and concealed with ſo much ſubtility, that it is difficult to diſcover the ſame, ſo that the lord chancellor, lord keeper, or commiſſioners of the great ſeal, not having the truth of the matter laid before him or them, may often decree leſs portion and maintenances, than he or they otherwiſe would have done, if the true circumſtances of ſuch popiſh parent or parents had truly and fairly appeared to him or them: and whereas the eſtate of ſuch popiſh parent or parents may encreaſe and become better after ſuch portions and allowances made by the court of Chancery, and yet after ſuch decree is made up and enrolled, it may be doubted whether the lord chancellor, lord keeper, or commiſſioners of the great ſeal, can encreaſe ſuch portion or maintenances, notwithſtanding it ſhould be diſcovered and made appear to him or them, that the eſtate real or perſonal of ſuch popiſh parent or parents was much greater, than at the time of the decree it appeared to be, or that ſuch popiſh parent or parents had encreaſed or improved his, her, or their eſtate: for remedy whereof be it further enacted by the authority aforeſaid, that notwithſtanding any ſuch decree made up or enrolled, it ſhall and may be lawful for the high court of Chancery from

If fraudulent leaſes, &c. made to conceal the true value,

which is afterwards diſcovered to have been greater at time of tha decree,

or if the eſtate improved,

ſuch portions and maintenances may on new bills from time to time be augmented by Chancery according to value of the eſtate.

om time to time, upon a new bill or bills founded upon this act, o encreaſe or augment ſuch portion or portions, maintenance or aintenances, formerly decreed or allowed to ſuch proteſtant child r children of ſuch popiſh parent or parents, according to the va- ue of the eſtate real or perſonal of ſuch parent or parents at the ime of ſuch new bill or bills preferred.

Or ſuch new bills, if vexatious, diſmiſſed with coſts.

V. Provided always, That if it ſhall appear to the ſaid court, hat ſuch new bill or bill are groundleſs and vexatious, that then he ſaid court ſhall diſmiſs the ſame, and award full coſts to the efendant; to be levied as coſts in other caſes are uſually levied.

2 *Anne* 6

VI. And foraſmuch as many Iriſh papiſts of this kingdom in rder to defeat and elude the ſaid act of Parliament, *to prevent the further growth of popery*, did between the firſt day of January ne thouſand ſeven hundred and three and the twenty fourth of March following levy and ſuffer fines and recoveries of their ſe- veral eſtates, whereof they were ſeized in tail, in order to bar all remainders that were then veſted, or afterwards might veſt, in any proteſtants, and likewiſe did make ſuch diſpoſitions and voluntary conveyances of the ſame and other their eſtates, whereof they were ſeized in fee-ſimple, as that the ſaid eſtates might never come to any Engliſhman or proteſtant, or any that ſhould turn proteſtant, and qualify themſelves according to the intent, purport, and encouragement of the ſaid act *to prevent the further growth of popery*: for remedy whereof, and for further explanation of the ſaid act, be it declared and enacted by the authority aforeſaid, That all and every ſettlement and ſettlements, fine and fines, common recovery and recoveries, and other conveyances, had or made ſince the ſaid firſt day of January one thouſand ſeven hundred and three of any lands, tenements, or hereditaments, in this kingdom by ſuch papiſt or papiſts, or by any proteſtant or proteſtants who turned papiſt at any time ſince the ſaid firſt day of January one thouſand ſeven hundred and three, or by any ſuch papiſt together with his then proteſtant wife, who hath turned papiſt as aforeſaid, whereby any proteſtant or proteſtants are barred of any eſtate in reverſion or remainder, whereunto ſuch proteſtant or proteſtants was or were intitled at the time of levying ſuch fine or fines, or ſuffering ſuch recovery or recoveries, or making ſuch conveyances, ſhall, as to ſuch proteſtant or proteſtants, be null and void; and that ſuch proteſtant or proteſtants ſhall become intitled unto and ſeized of ſuch lands or tenements according to ſuch eſtate, as he, ſhe, or they had in ſuch lands, tenements, or hereditaments, at the time of perfecting ſuch conveyances, or levying ſuch fines, and ſuffering ſuch recoveries, as if ſuch fine or fines, recovery or recoveries, conveyance or conveyances, had not been levied, ſuffered, or made.

Fines, recoveries, and conveyances ſince 1ſt January 1703 by papiſts, &c. to bar proteſtants in reverſion or remainder, void as to ſuch proteſtants.

VII. Provided always, That nothing herein contained ſhall extend to impeach or avoid any purchaſe or mortgage, eſtate, or in-

A. D. 1709. Chap. 3.

cumbrance, really and *bona fide* made for full and valuable consideration to any proteſtant or proteſtants whatſoever: ſubject nevertheleſs to all ſuch debts and real incumbrances at the time of the deceaſe of ſuch papiſt charging ſuch eſtate, as the ſame would have been ſubject to upon the deſcent thereof according to the true intent and meaning of the ſaid act, and this preſent act.

Except purchaſe or mortgage, eſtate or incumbrance, *bona fide* for full conſideration, to proteſtants, *vide* 1 G. 3. 12 *for ſecuring proteſtant purchaſers*,

VIII. Provided nevertheleſs, That every ſuch proteſtant in remainder or reverſion as aforeſaid ſhall have the right, condition, or equity of redemption of all and every ſuch mortgages or incumbrances.

Subject to debts and real incumbrances at death of ſuch papiſt, as upon deſcent of the eſtate.

IX. And whereas by the aforeſaid act, *to prevent the further growth of popery*, among other things it is enacted in theſe words: (that is to ſay) "And be it further enacted by the authority "aforeſaid, That all lands, tenements, or hereditaments, whereof "any papiſt now is or hereafter ſhall be ſeized in fee-ſimple or "fee-tail, ſhall from henceforth, ſo long as any papiſt ſhall be "ſeized of or intitled to the ſame in fee-ſimple or fee-tail, be "of the nature of gavel-kind; and, if not ſold, aliened, or diſ-"poſed of by ſuch papiſt in his life-time for good and valuable "conſideration of money really and *bona fide* paid, ſhall for ſuch "eſtate from ſuch papiſt deſcend to and be inherited by all and "every the ſons of ſuch papiſt any way inheritable to ſuch eſtate, "ſhare and ſhare alike; and not deſcend on or come to the eldeſt "of ſuch ſons only, being a papiſt, as heir at law; and ſhall in like "manner from ſuch reſpective ſons, being papiſts, deſcend to and "be inherited by all and every the ſons of ſuch ſons, ſhare and "ſhare alike, and not deſcend to the eldeſt of ſuch ſons, being a "papiſt, as heir at law only: and that for want of iſſue-male of ſuch "papiſt the ſame ſhall deſcend to all his daughters, any way inheri-"table to ſuch eſtate, in equal proportions: and for want of ſuch "iſſue, among the collateral kindred of ſuch papiſt, of the kin of his "father, any way inheritable to ſuch eſtate, in equal degree: and for "want of ſuch kindred, to the collateral kindred of ſuch papiſt of "the kin of his mother, any way inheritable to ſuch eſtate, and "not otherwiſe; notwithſtanding any grant, ſettlement, or diſpo-"ſition by will or otherwiſe, that ſhall be made by ſuch papiſt, "other than ſuch ſale, alienation, or diſpoſition, to be made by "ſuch papiſt as aforeſaid: ſubject nevertheleſs to all ſuch debts "and real incumbrances, at the time of the deceaſe of ſuch pa-"piſt charging ſuch eſtate:" and whereas ſome doubts have ariſen upon the firſt words of the ſaid clauſe, that is to ſay, from what time that clauſe, or part of the ſaid act, was to take effect, whether from the firſt day of the ſeſſion of that Parliament, wherein the ſaid act was made, or from any and what other day or time: be it therefore declared and enacted by the authority aforeſaid, That the aforeſaid recited clauſe or part of the ſaid act ſhall be

Proteſtants in remainder or reverſion to have the equity of redemption.

Recital of the gavel-kind claule 2 *Anne* 6. *ſect.* 10. and of doubt from what time it was to take effect.

be deemed, conſtrued, and adjudged to take effect from the firſt day of that ſeſſion of Parliament: and that all ſuch ſettlements, and all ſuch bargains and ſales, releaſes, feoffments, and other conveyances whatſoever, and all fines and recoveries made, executed, levied, or ſuffered by any papiſt, of any lands, tenements, or hereditaments, ſince the ſaid firſt day of that ſeſſion of Parliament, to elude the ſaid act, or which may any way prevent or hinder ſuch lands, tenements, or hereditaments, from deſcending or going in gavel-kind, or to the eldeſt ſon of any papiſt, turning proteſtant, according to the true intent and meaning of the ſaid act, be null, void, and of none effect.

Said clauſe to take effect from 1ſt day of that ſeſſion.

And all conveyances ſince to prevent deſcent in gavel-kind, or to eldeſt ſon turning proteſtant, void.

X. Provided that nothing herein contained ſhall extend, or be conſtrued to extend, to any lands, tenements, or hereditaments, ſold, aliened, diſpoſed of, or ſettled, after the twenty firſt of September one thouſand ſeven hundred and three, and before the twenty fifth of March one thouſand ſeven hundred and four, for good and valuable conſiderations of marriage, or of money *bona fide* paid, or to ſuch reaſonable maintenances and portions for daughters and younger children, as ſuch lands, tenements, or hereditaments were, are, or ſhall be charged with, according to the ſaid act; but that ſuch ſales, diſpoſitions, or ſettlements, ſhall ſtand and remain of force for the benefit of the ſeveral purchaſers of ſuch lands, tenements, or hereditaments, and of the perſons parties to the ſaid marriage or marriage-articles, and of ſuch woman as ſhall have any jointure ſettled on her in conſideration of ſuch marriage, and of the iſſue of ſuch marriage, according to the ſcope and intent of ſuch marriage-ſettlement, and for the benefit of no other perſon whatſoever; any thing in this or the ſaid recited act to the contrary notwithſtanding.

Not to extend to conveyances after 21ſt September 1703, and before 25th of March 1704, for valuable conſiderations of marriage or money.

XI. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, who hath or have turned, or ſhall turn, from the popiſh to the proteſtant religion as by law eſtabliſhed, ſhall be deemed or taken to be a proteſtant within the intention of this act, or the former act, or ſhall take benefit thereby, notwithſtanding ſuch perſon, ſo profeſſing himſelf a proteſtant, ſhall, purſuant to this or the ſaid former act *to prevent the further growth of popery*, procure the certificate of the biſhop of the dioceſs, as is herein and hereby or by the ſaid former act directed, unleſs ſuch perſon and perſons ſhall within the ſpace of ſix months then next after ſuch perſon or perſons declaring himſelf or themſelves a proteſtant or proteſtants, or within ſix months after ſuch perſon or perſons ſhall attain the age of eighteen years, or thoſe who have already been converted, do before the twenty fifth of December one thouſand ſeven hundred and nine, or within three months after he or they ſhall return into this kingdom, in caſe he or they be now out of the kingdom, take and receive the holy ſacrament of the

No convert deemed proteſtant within intention of theſe acts, notwithſtanding biſhop's certificate, unleſs in ſix months after declaring himſelf proteſtant or after attaining 18, he receives the ſacrament, ſubſcribes the declaration 2 *Anne* 6, and take oath of abjuration, and file certificate thereof.

A. D. 1709. Chap. 3.

the Lord's Supper, according to the order and uſage of the ſaid church of Ireland, and make and ſubſcribe the declaration, purſuant to an act intituled, *An act to prevent the further growth of popery*; and ſhall alſo take the oath of abjuration, and ſhall file in the high court of Chancery, or ſome other of her Majeſty's Four courts at Dublin, a certificate or certificates thereof, in like manner as the biſhop's certificate is to be filed, for which certificate no greater fee ſhall be taken than ſix pence; any thing herein, or in the ſaid former act againſt the further growth of popery, contained to the contrary in any wiſe notwithſtanding.

Fee for certificate, 6*d*.

Converts in employment, or place of profit or truſt from the crown, members of parliament, barriſters, attorneys, or officers in any court, ſhall educate children under fourteen at time of converſion proteſtants, under pain of diſability. 2 *Anne* 6. 1 *G.* 2. 20.

XII. And be it further enacted by the authority aforeſaid, That every perſon, that now is or hereafter ſhall be converted from the popiſh to the proteſtant religion, and comform himſelf to the church of Ireland as by law eſtabliſhed, and ſhall have, hold, or enjoy any imployment, office, or place of profit, or truſt, by virtue of any commiſſion, grant, or authority from her Majeſty, her heirs or ſucceſſors, or be a member of either houſe of Parliament, or practiſe as barriſter at law, attorney, or ſollicitor, or officiate as officer in any of her Majeſty's courts of law, or any other court whatever, ſhall cauſe all his children under the age of fourteen years at the time of the converſion of ſuch parent, to be educated in the proteſtant religion as by law eſtabliſhed, and for default thereof ſuch imployment, office, or place of profit or truſt, is hereby declared null and void, and ſuch member of Parliament ſhall be incapable to ſit or vote in either houſe of Parliament, and the party offending for ever incapable to have, hold, and enjoy any imployment, office, or place of profit or truſt under her Majeſty, her heirs or ſucceſſors; and that every ſuch barriſter, attorney, ſolicitor, and officer, ſhall be incapable of practiſing as barriſter, attorney, or ſolicitor, privately or publickly, or officiating in any of the courts aforeſaid.

Not to extend to conſtables, or inferior civil officers.

XIII. Provided that nothing herein contained ſhall extend, or be conſtrued to extend, to the office of high conſtable, petty conſtable, tything-man, headborough, overſeer of the poor, church-wardens, ſurveyors of the high ways, or any like inferior civil office in the kingdom.

Popiſh wife of a papiſt having power to make jointure, conforming and inrolling biſhop's certificate, and receiving ſacrament, ſhall, if ſhe ſurvives, have ſuch proviſion as upon a bill adjudged in Chancery,

XIV. And whereas ſeveral perſons of the popiſh religion in this kingdom in the ſettlements of their ſeveral eſtates have power reſerved or given to make and ſettle in jointure on any wife either particular lands or tenements therein mentioned, or by way of rent-charge out of the lands, tenements, or hereditaments, in ſuch ſettlement or out of ſome part thereof, or by ſome other way; and after ſuch ſettlement ſuch perſon, to whom ſuch power is given or reſerved, hath married or may marry ſome woman of the popiſh religion, which woman after ſuch marriage may, during the continuance thereof, be inclined to re-

hounce the errors and ſuperſtitions of the church of Rome, and become of the proteſtant religion as by law eſtabliſhed, but may be diſcouraged or deterred from the doing thereof, by reaſon that her popiſh huſband hath not executed ſuch power to appoint a jointure, nor will likely do the ſame after ſuch wife is become a proteſtant as aforeſaid: be it further enacted by the authority aforeſaid, That if any woman, who was a papiſt at the time of her marriage with a popiſh huſband, who hath any power reſerved to him on any ſettlement, making him tenant for life, to limit or appoint any jointure on ſuch wife, and yet hath not or ſhall not execute ſuch power in his life time; if ſuch woman ſhall become a proteſtant, and enrol a certificate thereof from the biſhop of the dioceſs, and alſo receive the ſacrament according to the uſage and order of the church of Ireland as by law eſtabliſhed, if ſuch woman ſurvive her ſaid popiſh huſband, ſhe ſhall have and enjoy ſuch proviſion as the lord chancellor, or lord keeper, or commiſſioners of the great ſeal for the time being, upon a bill grounded upon this act, ſhall think reaſonable and fit to adjudge, not exceeding the power reſerved in ſuch ſettlement.

A. D. 1709. Chap. 3.

not exceeding the power;

XV. And for the further encouragement of ſuch popiſh wife to become a proteſtant as aforeſaid in the life time of her popiſh huſband; be it enacted by the authority aforeſaid, That ſuch popiſh wife or wives of ſuch popiſh huſband or huſbands, who is or are now become a proteſtant or proteſtants, or ſhall hereafter become a proteſtant or proteſtants in the life of ſuch popiſh huſband or huſbands, ſhall have and receive ſuch proportion or ſhare, not being otherwiſe provided for by vertue of any agreement before marriage, or by reaſon of dower or jointure, or other eſtate, charge, or intereſt, out of the freehold and inheritance of ſuch huſband before or after ſuch marriage, of the chattles real and perſonal of her or their popiſh huſband or huſbands, whereof he or they ſhall dye poſſeſſed of or intituled unto, as the high court of Chancery ſhall on a bill, to be preferred by ſuch widow or widows, grounded on this act, think reaſonable, not exceeding one third part after debts and funeral charges, notwithſtanding any will or voluntary alienation or diſpoſition to be made by any ſuch popiſh huſband or huſbands to the contrary, and notwithſtanding an act made in the ſeventh year of the late King William the third of glorious memory, intituled, *An act for the better ſettling inteſtates eſtates*, to the contrary thereof in any wiſe notwithſtanding.

and, not being otherwiſe provided for, ſhall have a proportion (not exceeding third after debts and funeral) out of his chattels: notwithſtanding any will or voluntary diſpoſition, and the ſtat. 7 *Wil.* 3. 6.

XVI. And whereas by an act made in the ſeventh year of King William the third of glorious memory, it is enacted, "That "no perſon whatſoever of the popiſh religion ſhall publickly or "in private houſes teach ſchool, or inſtruct youth in learning

7 *Wil.* 3. 4. *ſect.* 9.

A. D. 1709. Chap. 3.

" within this realm, upon the pain of twenty pounds, and alſo " of being committed to priſon without bail or mainprize, for " the ſpace of three months for every ſuch offence;" which law hath proved ineffectual; and that notwithſtanding the ſame, many perſons of the popiſh religion do continue to keep publick ſchools for the inſtruction of youth, and, when proſecuted by preſentment of the grand jury for ſo doing, do abſcond, or repair to other counties to keep publick ſchools, and thereby evade and eſcape the pains and puniſhments impoſed by the ſaid act: and whereas ſeveral proteſtant ſchool-maſters, to encreaſe the numbers of their ſcholars, do chuſe to combine with ſuch papiſts, rather than proſecute ſuch popiſh ſchool-maſters, and to elude the ſaid act do entertain ſuch perſons profeſſing the popiſh religion to be uſhers, under-maſters, or aſſiſtants, to teach and inſtruct youth in learning under ſuch proteſtant ſchool-maſters, who frequently thereby become negligent of their ſaid ſchools, and leave the inſtruction of the youth, as well the proteſtant as popiſh ſcholars, to the care and inſtruction of ſuch popiſh under ſchool-maſter, uſher, or aſſiſtant, ſo by them entertained and allowed, whereby popery doth continue to grow and is propagated in this kingdom: for remedy whereof be it enacted by the authority aforeſaid, That whatſoever perſon of the popiſh religion ſhall publickly teach ſchool, or ſhall inſtruct youth in learning in any private houſe within this realm, or ſhall be entertained to inſtruct youth in learning as uſher, under-maſter, or aſſiſtant, by any proteſtant ſchool-maſter, he ſhall be eſteemed and taken to be a popiſh regular clergyman, and to be proſecuted as ſuch, and incur ſuch pains, penalties, and forfeitures, as any popiſh regular convict is liable unto by the laws and ſtatutes of this realm; and that no perſon whatſoever after the firſt day of November one thouſand ſeven hundred and nine ſhall be qualified to teach or keep ſchool publickly, or teach and inſtruct youth in learning in any private houſe, or as uſher or aſſiſtant to any proteſtant ſchool-maſter, who ſhall not firſt, or at the next general aſſizes or general quarter-ſeſſions of the peace, to be held for the county where ſuch perſon ſhall inhabit or reſide, after ſuch perſon is ſo entertained, take the oath of allegiance, and make and ſubſcribe the declaration, and take and ſubſcribe the oath of abjuration, as in the ſaid act *againſt the further growth of popery* is directed and expreſſed: and if any perſon after the ſaid firſt day of November one thouſand ſeven hundred and nine ſhall offend herein, he ſhall forfeit the ſum of ten pounds for every ſuch offence: and if any perſon ſhall entertain any one, not qualified as aforeſaid, as tutor, under-maſter, uſher, or aſſiſtant, he ſhall forfeit the ſum of ten pounds for every ſuch offence; the one

Papiſt teaching ſchool publickly or in private houſe, or as uſher to a proteſtant, deemed and proſecuted as popiſh regular.

None qualified ſo to do, unleſs at next aſſiſes or ſeſſions he take the oaths, &c.

Penalty 10*l.*

Perſons entertaining ſuch as not qualified, penalty, 10*l.*

moiety of which ſaid ſeveral forfeitures ſhall go to the informer, the other moiety (the expence of the proſecution being firſt deducted) to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, to be recovered in a ſummary way by civil bill before the judge or judges of aſſize in court; and for the county and county of the city of Dublin ſuch forfeitures to be recovered before the juſtices of the peace at their general quarter-ſeſſions. A. D. 1709. Chap. 3.

Said penalties to proſecutor and the poor, by civil bill at aſſiſes; in Dublin at ſeſſions.

XVII. And whereas in the ſecond year of her preſent Majeſty's reign a good law paſt in this preſent Parliament, intituled, *An act to prevent popiſh prieſts from coming into this kingdom*, which was to continue and be in force for fourteen years, and to the end of the next ſeſſion of Parliament after the expiration of the ſaid fourteen years, and no longer, which act is fit to be made perpetual: and whereas one other good act paſt in the ſecond ſeſſion of this preſent Parliament, intituled, *An act to explain and amend an act for regiſtring the popiſh clergy*, which was to continue in force to the twenty firſt of September, which was in the year of our Lord one thouſand ſeven hundred and eight, and to the end of the then next ſeſſion of Parliament, and no longer, which laſt mentioned act is alſo fit to be continued and made perpetual; be it therefore enacted by the authority aforeſaid, That the ſaid firſt mentioned act *to prevent popiſh prieſts coming into this kingdom*, and alſo the ſaid laſt mentioned act, intituled, *An act to explain and amend an act for regiſtering the popiſh clergy*, be, and they and each of them is, and are, hereby made perpetual.

2 Anne 3. and 4 Anne 1. made perpetual.

XVIII. And to the end that every popiſh prieſt, who at any time before the making of the ſaid act for regiſtring the popiſh clergy did turn proteſtant, and all ſuch popiſh prieſts who have been regiſtered purſuant to the ſaid act, and have ſince or ſhall at any time become proteſtants, and ſhall be approved of as converts, and received into the church by the archbiſhop or biſhop of the dioceſs wherein he or they lived or reſided, and conforming him or themſelves to the church of Ireland as by law eſtabliſhed, and having taken the oaths, and made and ſubſcribed the declaration, in ſuch manner as the conformable clergy to the ſaid church of Ireland are obliged to do, at any quarter-ſeſſions in any county or city as aforeſaid; be it enacted by the authority aforeſaid, That every ſuch converted prieſt or prieſts, or who ſhall be converted within the term of ſeven years, to be accounted from and after the ſaid firſt day of September one thouſand ſeven hundred and nine, ſhall have and receive the ſum of thirty pounds *ſterling* yearly, and every year, and no more, by virtue of this or any former act, during their reſidence in ſuch county for their maintenance, and until he or they are otherwiſe provided for

Popiſh prieſts converted, or who ſhall be converted in ſeven years from firſt September, 1709, to receive 30*l.* yearly during reſidence and till provided for.

31 *G.* 2. 9. *revived, and continued eleven years*, &c.

A. D. 1709. Chap. 3.

for by ſome eccleſiaſtical benefice or curacy of the like or greater value: ſubject nevertheleſs to ſuſpenſion or deprivation of the archbiſhop or biſhop of the dioceſs wherein he or they ſhall dwell or reſide, in like manner as any of the inferior clergy of this kingdom are ſubject to: the ſaid ſum of thirty pounds to be levied on the inhabitants of ſuch county, or counties of cities or towns, where ſuch converted prieſt or prieſts did laſt reſide, in like manner as money is levied, that is charged by grand-juries, upon the ſaid counties, or counties of cities or towns, and to be paid him or them by equal parts; that is to ſay, one moiety at the feaſt of the annunciation of the bleſſed virgin Mary, and the other moiety at the feaſt of St. Michael the archangel in every year; and every ſuch convert or converts ſhall, and he and they are hereby required, under penalty of forfeiting his or their allowance or allowances as aforeſaid, publickly to read the common prayer or liturgy of the church of Ireland, and preach once a week in the Engliſh or Iriſh tongue, in ſuch places, and at ſuch times, as the ſaid archbiſhops or biſhops ſhall direct or appoint.

But ſubject to ſuſpenſion or deprivation.

Said 30*l.* to be levied as other money charged by grand juries, and paid by moieties,

Such converts to read publickly the liturgy, and preach weekly as by biſhop directed.

Popiſh prieſt keeping popiſh curate or aſſiſtant, both proſecuted as popiſh regulars.

XIX. And be it further enacted by the authority aforeſaid, That no popiſh pariſh prieſt ſhall keep or have any popiſh curate, aſſiſtant, or coadjutor, and that every popiſh pariſh prieſt that ſhall keep any ſuch popiſh curate, aſſiſtant, or coadjutor, ſhall loſe the benefit of having been regiſtered, and ſhall incur and ſuffer all the pains and penalties of a popiſh regular, and ſhall be proſecuted as ſuch; and that every ſuch popiſh curate, aſſiſtant, or coadjutor, ſhall be deemed and taken as a popiſh regular, and ſhall be proſecuted and proceeded againſt accordingly.

9 *Wil.* 3. 1.

XX. And whereas in a Parliament holden in the ninth year of the reign of our Sovereign Lord King William the third of glorious memory, the ſtatute hereafter mentioned was enacted; that is to ſay, *An Act for baniſhing all papiſts exerciſing eccleſiaſtical juriſdiction, and all regulars of the popiſh clergy, out of this kingdom*; which act, for want of encouragement to diſcoverers, hath proved in a great meaſure ineffectual; and therefore for the better putting the ſame, and this preſent act, and the aforementioned ſtatutes in execution, be it further enacted by the authority aforeſaid, That if any perſon after the firſt day of September one thouſand ſeven hundred and nine ſhall diſcover any archbiſhop, biſhop, vicar-general, dean, jeſuit, monk, fryer, or any other regular popiſh clergyman, or any papiſt exerciſing any eccleſiaſtical juriſdiction, or any ſecular popiſh clergyman who hath not been legally regiſtered, or any popiſh ſchool-maſter, or any papiſt, teaching or inſtructing youth in private houſes as tutor or as uſher, under-maſter, or aſſiſtant to any proteſtant ſchool-maſter, ſo as the ſaid regular or ſecular clergyman or popiſh ſchool-maſter, tutor, or

Reward for diſcovering and convicting popiſh clergy,

or uſher, under-maſter, or aſſiſtant to any proteſtant ſchool-maſter, be apprehended and legally convicted, every perſon making ſuch diſcovery ſhall receive as a reward for the ſame the ſeveral ſums following: that is to ſay, the ſum of fifty pounds *ſterl.* for every archbiſhop, biſhop, vicar-general, or other perſon, exerciſing any foreign eccleſiaſtical juriſdiction in this kingdom; and the ſum of twenty pounds *ſterl.* for each regular clergyman and each ſecular clergyman, not regiſtered purſuant to the ſaid former act; and the ſum of ten pounds *ſterl.* for each popiſh ſchool-maſter, tutor, uſher, under-maſter, or aſſiſtant, to be levyed on the popiſh inhabitants of the county, or county of the city or town, where ſuch regular or ſecular popiſh clergyman did reſpectively exerciſe ſuch foreign juriſdiction, or officiate as a popiſh prieſt, and where ſuch popiſh ſchool-maſter, tutor, uſher, under-maſter, or aſſiſtant, taught or inſtructed youth, or did moſt commonly reſide, and ſhall be convicted thereof as aforeſaid; the ſame to be levyed in ſuch manner, and on ſuch perſons, as money for robberies by a late act againſt tories, robbers, and rapparees, is to be levyed, where the robbery or burglary is preſented by the grand-jury to be committed by papiſts only; and to be levyed in the county of Dublin, and county of the city of Dublin, in ſuch manner, and on ſuch popiſh perſons, as other publick money is levyed, at the general quarter-ſeſſions of the peace in the ſaid county or county of the ſaid city.

A. D. 1709. Chap. 3.

50*l.* for every archbiſhop, &c. or perſon exerciſing eccleſiaſtical foreign juriſdiction.

20*l.* for regular and ſecular not regiſtered:

10*l.* for ſchool-maſter, tutor or uſher.

Levied on popiſh inhabitants of the county, as money for robbery by 9 *Wil.* 3. 9.

XXI. And for the more effectual diſcovery of ſuch popiſh regular clergyman, popiſh prieſts, and popiſh ſchool-maſters, tutors, uſhers, under-maſters, and aſſiſtants to proteſtant ſchool-maſters, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any two juſtices of the peace, whereof one to be of the *quorum*, by warrant or warrants under their hands and ſeals directed to any conſtable or conſtables within the ſaid county, to ſummons any popiſh perſon of the age of ſixteen years or upwards to appear before ſuch juſtices, at a certain time and place in the ſaid warrant or warrants to be expreſſed, within three days after the date of the ſaid warrant or warrants, ſo that the ſaid place of appearance be not above five miles from the habitation of the ſaid perſon; and if the ſaid perſon ſo ſummoned ſhall neglect or refuſe to appear accordingly, or appearing, ſhall refuſe to give his teſtimony upon oath where and when he heard or was preſent at the celebration of the popiſh maſs, as the ſame is uſed in the church of Rome, and who celebrated the ſame, and who and what perſons were preſent at the celebration thereof, and likewiſe for and touching the being, reſidence, and abode of any popiſh regular clergyman, or any ſuch popiſh ſecular prieſt as aforeſaid, or of any popiſh ſchool-

Two juſtices may ſummon any papiſt ſixteen years old to appear in three days, not above five miles diſtant from the place:

on refuſal to appear or teſtify where and when he heard maſs, the perſons celebrating and preſent at it, the reſidence of ſaid popiſh offenders, &c.

A. D. 1709. Chap. 3.

master, tutor, usher, under-master, or assistant to any protestant school-master, who may be disguised, concealed, or itinerant in the country, and also fully answer to all such matters, circumstances, and things for and touching such popish persons offending contrary to this and the former act *to prevent the further growth of popery*; such person so refusing or neglecting to appear, or to answer as aforesaid, shall be committed by the said justices to the common goal, there to remain without bail or mainprize for the space of twelve months, unless he or she shall pay down a sum not exceeding twenty pounds, to be paid to the minister, church-wardens, and overseers of the poor of the parish where such offender shall inhabit or reside, for the use of the poor of the said parish; who are hereby declared and enacted to be accountable for all such moneys so received by vertue of this act, in such manner as any other moneys received for the use of the said parish are to be accountable for: provided that every examination, to be given in pursuance of this act, shall be for such of the said offences only as were committed within thirty days before such examination, and that no such examination shall subject the party examined to any prosecution, penalty, or forfeiture whatsoever, or be admitted to be given in evidence against the person so examined, unless such person shall be indicted for having committed wilful perjury in such examination; and the person so examined and confessing shall and is hereby discharged of and from any prosecution, or penalties, or forfeitures by him incurred by reason of any offence so confessed as aforesaid, and not otherwise.

to be committed for a year, unless he pays a sum not above 20*l.* to the poor.

Such examination only for offences in thirty days before,

and not to subject to prosecution, penalty, or given in evidence against the party, unless indicted for wilful perjury.

XXII. And be it further enacted by the authority aforesaid, That all and every popish priest and priests, who have been registered in pursuance of the said former act for registering the popish clergy, shall take the oath of abjuration before the twenty fifth day of March one thousand seven hundred and ten in one of the Fourt-courts at Dublin, or at some quarter-sessions to be held for the respective counties, cities, or towns, where such popish priest or priests have been registered; and upon neglect or refusal, and after the said twenty fifth day of March celebrating mass, or officiating as a popish priest, such popish priest shall incur and suffer such pains, penalties, and forfeitures, as a popish regular clergyman convict by the laws and statutes of this realm is liable unto.

Registered priests to take the oath of abjuration before 25 March 1710,

or, officiating afterwards, incur penalties of regulars convict.

XXIII. And forasmuch as many Irish papists in this kingdom at the time when the pretended Prince of Wales, taking upon himself the stile and title of King of England by the name of James the third, did attempt to invade her Majesty's dominions in the north part of Great Britain with a French power, did refuse to give their excellencies the then lords justices and chief

governors of this kingdom teſtimony and aſſurance of their fidelity and loyalty to her Majeſty, and of their affection to her government and the proteſtant ſucceſſion as by law eſtabliſhed, by taking and ſubſcribing the oath of abjuration as the ſame is appointed to be taken by an act of Parliament in England, intituled, *An act to declare the alterations in the oath appointed to be taken by an act*, intituled, *An act for the further ſecurity of her Majeſty's perſon, and the ſucceſſion of the crown in the proteſtant line, and for extinguiſhing the hopes of the pretended prince of Wales, and all other pretenders and their open and ſecret abettors, and for declaring the aſſociation to be determined*: be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any two or more juſtices of the peace within any county, or county of a city, or county of a town in this kingdom, by warrant or warrants under their and every of their hands and ſeals directed to any ſheriff, conſtable, or other officer, to ſummon any man of the age of ſixteen years or upwards to appear before ſuch juſtices, and take and ſubſcribe the oath of abjuration before mentioned; and if the ſaid perſon ſo ſummoned ſhall neglect or refuſe to appear (not having ſome lawful impediment) or appearing ſhall refuſe to take and ſubſcribe the ſaid oath, being tendered to him by the ſaid juſtices, then it ſhall and may lawful for ſuch juſtices of the peace to commit ſuch perſon to the common gaol or houſe of correction for the ſpace of three months, or until he ſhall take the ſaid oath, there to remain without bail or mainprize, unleſs the ſaid offender ſhall pay down to the juſtices a ſum not exceeding forty ſhillings *ſterling*, as the ſaid juſtices ſhall require (which money ſhall be paid to the church-wardens or overſeers of the poor of ſuch pariſh or place where ſuch offender ſhall inhabit or reſide) and ſhall be for ever incapable of obtaining or having any licenſe to carry, have, or keep any arms, and ſuch licenſe (if obtained) is hereby declared to be null and void to all intents and purpoſes; and from and after the ſpace of three months after ſuch default or refuſal it ſhall and may be lawful for two or more ſuch juſtices as aforeſaid to direct their warrant or warrants as aforeſaid to ſummon ſuch offender to appear before them to take and ſubſcribe the ſaid oath; and if the ſaid offender ſhall neglect or refuſe to appear accordingly, or ſhall appear, and upon tender of the ſaid oath refuſe to take and ſubſcribe the ſame, it ſhall and may be lawful to and for the ſaid juſtices of the peace to commit the ſaid offender to goal for the ſpace of ſix months, unleſs the ſaid offender ſhall pay down a ſum of money not exceeding ten pounds, nor under five pounds, as the ſaid juſtices ſhall require, to be diſpoſed of to the relief of the poor as aforeſaid, and the offender to be bound with two ſufficient ſureties,

A. D. 1709. Chap. 3.

1 *Anne* 22. *ſtat.* 1. *Eng.*

Two juſtices may ſummon any man aged ſixteen to appear and take the oath of abjuration.

On refuſing to appear (without lawful impediment) or to take ſaid oath, to be committed three months, *&c.* or pay not above 40*s.* to the poor,

and incapable to have arms, licence for which void:

on refuſal after further ſummons, to be committed ſix months, unleſs he pays not above 10*l.* nor under 5*l.* to the poor,

and give ſecurity to appear next aſſi-

A. D. 1709. Chap. 3.

ſureties, with condition to appear at the next aſſizes or general goal delivery for the county wherein ſuch offender ſhall inhabit or reſide, or at the general quarter-ſeſſions of the peace in the county of Dublin, and county of the city of Dublin, if he ſhall be an inhabitant of the ſaid county or county of the ſaid city, and in the mean time to be of the good behaviour; at which aſſizes or general goal delivery, or general quarter-ſeſſions of the peace, the ſaid oath ſhall be tendered to the ſaid offender by the juſtices of aſſize in their open aſſizes, or by the juſtices of the peace at their general quarter-ſeſſions in the ſaid county of Dublin, and county of the city of Dublin; and if the offender ſhall refuſe to take and ſubſcribe the ſaid oath, he ſhall incur the penalties of *præmunire*, as be and are expreſt in the ſtatute made in the fixteenth year of the reign of Richard the ſecond.

ſ ies (or ſeſſions f in Dublin) and for good behaviour.

and then on refuſal, incur a *præmunire* 16 *R.* 2.

XXIV. Provided always, That whereas there are certain proteſtant diſſenters called Quakers, who ſcruple the taking any oath, any ſuch Quaker producing a certificate under the hands and ſeals of ſix or more credible men of their ſociety, owning him to be one of them, and two of the ſubſcribers appearing with the perſon, for whom they certifie, before any juſtice or magiſtrate who ſhall require the ſame, and he making and ſubſcribing the following declaration, ſhall be exempted from the ſeveral fines and penalties mentioned in this ſaid act.

Quaker exempted, on certificate of ſix credible men of their ſociety owning him to be one (whereof two appear with him,) and on ſubſcribing following declaration,

13 *G.* 2. 6. Quakers declaration.

I A. B. *do ſolemnly and ſincerely profeſs, teſtify, and declare, That I do believe that in the ſacrament of the Lord's-Supper there is not any tranſubſtantiation of the elements of bread and wine into the body and blood of Chriſt, at or after the conſecration thereof, by any perſon whatſoever; and that the invocation and adoration of the Virgin Mary, or any other ſaint, and the ſacrifice of the maſs, as they are now uſed in the church of Rome, are ſuperſtitious and idolatrous. And I do ſolemnly profeſs, teſtify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary ſenſe of the words read unto me, as they are commonly underſtood by Proteſtants, without any evaſion, equivocation, or mental reſervation whatſoever; and without any diſpenſation already granted me for this purpoſe by the Pope, or any other authority or perſon whatſoever, or without any hope of any diſpenſation from any perſon or authority whatſoever, or without believing that I am or can be acquitted or abſolved of this declaration, or any part thereof, although the Pope, or any other perſon or perſons, or power whatſoever, ſhould diſpenſe with or annul the ſame, or declare that it was null and void from the beginning.*

I A. B.

I A. B. *do ſolemnly and ſincerely acknowledge, teſtify, and declare,* A. D.
That our Sovereign Lady Queen Anne is lawful and rightful Queen 1709.
of this realm, and of all other her Majeſty's dominions and countries Chap. 3.
thereunto belonging. And I do ſolemnly and ſincerely declare, that I do believe in my conſcience, that the perſon pretended to be prince of Wales during the life of the late King James, and ſince his deceaſe pretending to be, and taking on himſelf, the ſtyle and title of King of England, by the name of James the third, hath not any right or title whatſoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce and refuſe any allegiance or obedience to him. And that I will bear faith and true allegiance to her Majeſty Queen Anne; and her will defend to the utmoſt of my power againſt all traiterous conſpiracies and attempts whatſoever, which ſhall be made againſt her perſon, crown, or dignity. And I will do my beſt endeavour to diſcloſe and make known to her Majeſty, and her ſucceſſors, all treaſons and traiterous conſpiracies, which I ſhall know to be againſt her, or any of them. And I do faithfully promiſe to the utmoſt of my power to ſupport, maintain, and defend the limitation and ſucceſſion of the crown, againſt him the ſaid James, and all other perſons whatſoever, as the ſame is and ſtands limitted by an act, intituled, An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown to her preſent Majeſty and the heirs of her body being proteſtants: *and as the ſame by one other act, intituled,* An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject, *is and ſtands limitted, after the deceaſe of her Majeſty, and for default of ſuch iſſue of her Majeſty, to the princeſs Sophia, electoreſs and dutcheſs dowager of Hanover, and the heirs of her body, being proteſtants. And all theſe things I do plainly and ſincerely acknowledge according to theſe expreſs words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, mental evaſion, or ſecret reſervation whatſoever. And I do make this recognition, acknowledgment, renunciation, and promiſe, heartily, willingly, and truly.*

XXV. And whereas by an act paſt in the ſecond year of the reign of her preſent Majeſty, intituled, *An Act for regiſtring the popiſh clergy of this kingdom,* it is enacted, "That every popiſh "prieſt in this kingdom ſhall return his and their names and "places of abode to the reſpective clerks of the peace in the "ſeveral counties where ſuch popiſh prieſt ſhall dwell or reſide, "and give ſufficient ſureties not to remove out of ſuch county "where his or their place or places of abode do lie:" and whereas in contempt of the ſame it is notorious, that ſeveral of the ſaid popiſh 2 *Anne* 7. Evaſions thereof.

A. D. 1709. Chap. 3.

popiſh prieſts ſo regiſtred have removed to other counties, and officiated as popiſh prieſts in other pariſhes than where they were regiſtred, and alſo the ſureties taken before the clerks of the peace were either inſufficient at the time of the taking thereof, or are become ſo, or ſince dead; and that popiſh prieſts meet in great numbers at burials and on other occaſions, where they have great opportunity to form deſigns againſt the publick peace; and alſo at other times meeting in great numbers, they have conferred popiſh holy orders on popiſh prieſts, who were not popiſh prieſts at the time of the regiſtring the popiſh clergy of this kingdom, which they perform by laying on of the hands of many of the ſaid popiſh prieſts together, to the intent that the party himſelf ſo receiving the ſaid holy orders may not know in whom the power of confering ſuch popiſh holy orders was lodged: for the more effectual preventing the miſchiefs aforeſaid, be it enacted by the authority aforeſaid, That from and after the firſt day of September one thouſand ſeven hundred and nine, no popiſh prieſt whatſoever ſhall officiate or exerciſe the office or function of a popiſh prieſt in any pariſh within any county of this kingdom, but in the pariſh where the ſaid popiſh prieſt did officiate at the time of the regiſtring the popiſh clergy of this kingdom, and for which pariſh alſo he was regiſtred, and in no other pariſh whatſoever, under the pains, penalties, and forfeitures as any popiſh regular convict is liable unto by the laws and ſtatutes of this realm; any thing in the ſaid act *for regiſtring the popiſh clergy in this kingdom*, or any other act to the contrary in any wiſe notwithſtanding.

No popiſh prieſt to officiate except in the pariſh for which regiſtered:

under penalties of regulars convict.

XXVI. And whereas by an act of Parliament paſt in this kingdom in the ſixth year of the reign of her preſent Majeſty, it is enacted, "That if any popiſh prieſt ſhall after the time "therein expreſſed, celebrate matrimony between any perſons, "knowing at the time of ſuch marriage they or either of them "is of the proteſtant religion; that every ſuch popiſh prieſt ſo "offending, and being thereof lawfully convicted, ſhall be deem-"ed, judged, and reputed to be a popiſh regular clergyman." Now to the end that no popiſh prieſt may pretend that he did not know either of the parties, at any time ſo married by him, to be of the proteſtant religion, be it enacted by the authority aforeſaid, That if any popiſh prieſt ſhall after the firſt day of September one thouſand ſeven hundred and nine be proſecuted for offending contrary to the ſaid ſtatute, and that it doth appear that the ſaid perſons ſo married, or any one of them, was or were a proteſtant or proteſtants at the time of the marriage, it ſhall be preſumed, allowed, and concluded to all intents and purpoſes, that the ſaid popiſh prieſt ſo accuſed did celebrate matrimony

6 *Anne* 16. recited.

Prieſt proſecuted for marrying contrary thereto, preſumed to have known that one party was proteſtant, or both, unleſs certificate of the pariſh miniſters that they were not proteſtants at the time.

trimony between the ſaid perſons, knowing at the time of ſuch marriage that they or one of them were of the proteſtant religion, unleſs the ſaid popiſh prieſt ſhall produce and prove a certificate or certificates under the hand and ſeal, or hands and ſeals, of the miniſter or miniſters of the pariſh or pariſhes, where the parties ſo married did at the time of the ſaid marriage reſpectively inhabit or reſide, certifying that the ſaid perſon or perſons were not of the proteſtant religion at the time of the celebration of the ſaid marriage.

XXVII. And whereas the ſaid act *to prevent the further growth of popery*, and ſeveral other acts of Parliament, have been moſt notoriouſly eluded by ſeveral papiſts and others in truſt for them, who have purchaſed ſeveral lands, tenements, and hereditaments, and taken leaſes contrary to the true intent and meaning of the ſaid acts; and have alſo taken collateral and other ſecurities by mortgages, judgments, and ſtatutes, to cover, ſupport, and ſecure ſuch their purchaſes and leaſes: for remedy whereof, and for the better enforcing the execution of the ſaid acts, be it further enacted and declared by the authority aforeſaid, That all collateral and other ſecurities by mortgages, judgments, ſtatutes-merchant, or of the ſtaple, or otherwiſe howſoever, which have been made or entred into, or hereafter ſhall be made or entred into, to cover, ſupport, ſecure, or make good any bargain, ſale, confirmation, releaſe, feoffment, leaſe, or other conveyance, contrary to the ſaid recited act, ſhall be and hereby are declared null and void, and of no effect to ſuch perſon or perſons ſo purchaſing any of the ſaid lands or tenements in truſt for or for the benefit of any papiſt or perſon profeſſing the popiſh religion, as likewiſe to any ſuch papiſt or perſon, his, her, or their heirs and aſſigns reſpectively: and that all ſuch lands, tenements, and hereditaments ſo conveyed or leaſed, or to be conveyed or leaſed, to any papiſt or perſon profeſſing the popiſh religion, or to the uſe of or in truſt of any papiſt or perſon profeſſing the popiſh religion, contrary to the true intent and meaning of the ſaid acts; and all ſuch collateral ſecurities as are or ſhall be made or entred into, to cover, ſupport, ſecure, or make good the ſame, ſhall and may be ſued for by any proteſtant or proteſtants, by his, or her, or their proper action, real, perſonal, or mixt, founded on this act, in any of her Majeſty's courts of law, or in any court of equity, if the nature of the caſe ſhall require it; and the plaintiff or demandant in ſuch ſuit, upon proof that ſuch purchaſe or leaſe was made in truſt for any papiſt or perſon profeſſing the popiſh religion, or under any confidence to or for any papiſt or ſuch perſon profeſſing the popiſh religion, or for his, her, or their benefit or advantage, by receiving the rents, iſſues,

All ſecurities by mortgage, judgment, *&c.* to cover a leaſe or conveyance to papiſt contrary to 2 *Anne* 6, void as to ſuch papiſt, or purchaſer in truſt for him;

and the lands, and ſuch ſecurities, may be ſued for by any proteſtant in law or equity, if the nature of the caſe requiresit,

who on proof ſhall obtain verdict and judgment or decree, and have execution to be put in poſſeſſion according to the pa-

A. D. 1709. Chap. 3.

iſſues, or profits thereof, or otherwiſe, ſhall obtain a verdict and judgment, or a decree thereupon, and ſhall recover the ſame; and have execution to be put into the ſeizin and poſſeſſion thereof, to hold and enjoy ſuch lands, tenements, and hereditaments, according to the eſtate, Uſe, truſt, intereſt, or confidence, which ſuch papiſt or perſon profeſſing the popiſh religion, had or ſhould have had therein, had he, ſhe, or they, been qualified to purchaſe, hold, or enjoy the ſame; ſubject neverthelefs to all ſuch rents, covenants, and conditions, reſervations, and all incumbrances, and portions whatſoever, as the ſame would have been ſubject to in the hands of ſuch papiſt, or in the hands of ſuch perſon, to whom the ſame were ſold or leaſed in truſt for ſuch papiſt or perſon profeſſing the popiſh religion, or to his, her, or their uſe, benefit, or behoof, and ſhall alſo have the full benefit of all ſuch collateral ſecurities, as the party or parties, to whom the ſame are or ſhall be made, might have had, if this or the ſaid former act *to prevent the further growth of popery* had not been made.

pists' eſtate, and ſubject to ſame conditions, &c.

and have full benefit of ſuch ſecurities.

Purchaſes, &c. by papiſts, except of lands once veſted in truſtees for forfeited eſtates,

XXVIII. Provided neverthelefs, and be it enacted by the authority aforeſaid, That every papiſt, and perſon and perſons profeſſing the popiſh religion, who have in their own names, or in the name of any other perſon or perſons whatſoever, or any in truſt for them, purchaſed any lands in fee-ſimple, or any leaſes for years or lives, or other eſtate or intereſt, other than ſuch lands, tenements, and hereditaments, as were once veſted in the late truſtees for the ſale of forfeited eſtates in Ireland in poſſeſſion, reverſion, or remainder, and which were afterwards diveſted out of them the ſaid truſtees, and veſted in other perſons, by any private act of Parliament in England, or Great-Britain; or who have lent any money on mortgages, or purchaſed in any mortgages in the name of any perſon or perſons in truſt for them, other than mortgages of ſuch lands, tenements, and hereditaments, as were once veſted in the late truſtees for the ſale of forfeited eſtates in Ireland in poſſeſſion, reverſion, or remainder, and which were afterwards diveſted out of them the ſaid truſtees, and veſted in other perſons, by any private act of parliament in England or Great-Britain, and have or ſhall hereafter on or before the twenty fifth day of December one thouſand ſeven hundred and nine become a proteſtant, and enroll a certificate of the biſhop of the dioceſs, in which he, ſhe, or they reſpectively inhabit or reſide, in the high court of Chancery in Ireland, teſtifying his, her, or their being a proteſtant or proteſtants, and conforming him, her, or themſelves to the church of Ireland as by law eſtabliſhed, and ſhall alſo receive the ſacrament of the Lord's Supper according to the uſage of the ſaid church

who became proteſtants 25 Dec. 1709, inrolled certificate, &c. and educate children under 14 proteſtants,

church of Ireland, and make and ſubſcribe the declaration, and ſhall alſo take and ſubſcribe the oath of abjuration, in ſuch manner as is mentioned and expreſſed in the ſaid act *to prevent the further growth of popery*; and ſhall alſo cauſe his, her, or their child or children under the age of fourteen years, from the time of ſuch his, her, or their converſion, to be educated in the proteſtant religion as by law eſtabliſhed; the purchaſe and purchaſes, mortgage and mortgages, confirmation and confirmations, leaſe and leaſes, and all other covenants and agreements made to or by any ſuch papiſt or perſon profeſſing the popiſh religion, or by or to any in truſt for him, her, or them, or to his, her, or their uſe, other than as before excepted, ſhall be as good and effectual in law and equity, as if he, ſhe, or they had been a proteſtant or proteſtants at the time of ſuch purchaſe, mortgage, confirmation, leaſe, covenant, or agreement ſo acquired, and made, and not otherwiſe, to hold and enjoy ſuch lands, tenements, and hereditaments ſo purchaſed, mortgaged, confirmed, or leaſed in ſuch and for ſuch eſtate as he, ſhe, or they might have had if then a proteſtant or proteſtants. A. D. 1709. Chap. 3.

such purchaſes, &c. as good as if they had been proteſtants,

XXIX. Provided that nothing herein, or in any former act paſt in this kingdom, contained, ſhall extend or be conſtrued to weaken any eſtate, right, title, or intereſt of any proteſtant purchaſer for valuable conſideration *bona fide* from any perſon, who had purchaſed in truſt for any papiſt, or from any proteſtant deriving under ſuch purchaſer, not having notice of ſuch truſt; any thing in this or the before recited act to the contrary in any wiſe notwithſtanding.

not to prejudice proteſtant purchaſers from or under truſtee for papiſt without notice of truſt.

XXX. Provided alſo, and for the better diſcovery of ſuch truſts for papiſts, or perſons profeſſing the popiſh religion, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any proteſtant or proteſtants to prefer one or more bill or bills in her Majeſty's high court of Chancery, or Chancery of the Exchequer, againſt any perſon or perſons concerned in ſuch ſale, leaſe, mortgage, or incumbrance, and againſt all perſons privy to ſuch truſt or confidence for papiſts or perſons profeſſing the popiſh religion as aforeſaid, and to compel ſuch perſon or perſons to diſcover and detect ſuch truſts and confidences, and to anſwer to all matters and circumſtances relating thereunto, as by ſuch bill or bills ſhall be required; to which bill or bills no plea or demurrer ſhall be allowed, but the defendant ſhall anſwer the ſame at large upon oath; which anſwer ſhall be good evidence againſt the defendant in actions to be brought upon this act, as in ſuch caſes are uſual; and that all iſſues, to be tried in any action or ſuit founded upon this act, ſhall be tryed by none but known proteſtants.

Bills for diſcovery of ſuch truſts,

to which no plea or demurrer allowed,

the anſwer evidence in any action:

Iſſues tried by proteſtants. 6 *Anne* 6.

A. D. 1709. Chap. 3. 9 Wil. 3. 1. Sect. 1.

XXXI. And whereas by an act of Parliament made in the ninth year of the reign of his late Majesty King William of glorious memory, intituled, *An Act for banishing all papists exercising any ecclesiastical jurisdiction, and all regulars of the popish clergy out of this kingdom*, it is enacted, "That all popish arch-"bishops, bishops, vicars-general, deans, jesuits, monks, fryars, "and all other regular popish clergy, and all papists exercising "ecclesiastical jurisdiction, should depart out of this kingdom "before the first day of May, which was in the year of our "Lord one thousand six hundred ninety eight; and if any of "the said ecclesiastical persons should be at any time after the "said first day of May within this kingdom, they and every "of them should suffer imprisonment, and remain in prison with-"out bail or mainprize, till he or they should be transported "beyond seas out of her Majesty's dominions, whither his then "Majesty, his heirs or successors, or the chief governor or "governors of this kingdom for the time being, should think Sect. 3. "fit:" and whereas it is further enacted by the said statute, "That from and after the nine and twentieth day of Decem-"ber, which was in the year of our Lord one thousand six "hundred ninety and seven, no popish arch-bishop, bishop, vicar-"general, dean, or any other papist exercising any ecclesiastical "jurisdiction not established by the laws of the kingdom, je-"suit or fryar, shall come into the kingdom from any part "beyond the seas, on pain of twelve months imprisonment, and "then to be transported in manner aforesaid:" and whereas by 2 *Anne* 3. Sect. 1. one other act made in the second year of her Majesty's reign, intituled, *An Act to prevent popish priests from coming into this kingdom*, it is enacted, "That every clergyman of the popish "religion that shall come into this kingdom at any time after "the first day of January, in the year of our Lord one thou-"sand seven hundred and three, shall be and is thereby decla-"red to be liable to such penalties, forfeitures, and punishments, "as by the said act *for banishing all papists exercising any eccles-"astical jurisdiction, and all regulars of the popish clergy out of this "kingdom*, is imposed on popish arch-bishops, bishops, vicars-"general, deans, jesuits, fryars, or any other papists exercising "any ecclesiastical jurisdiction, who shall come into this king-"dom contrary to the said act:" and whereas by one other act made in the said second year of her Majesty's reign, intituled, 2 *Anne* 7. Sect. 1. *An Act for the registring the popish clergy*, it is enacted, "That "all and every popish priest or priests, who shall not make such "return, and enter into such recognizance," as by the said statute is directed, "and be thereof convict at the assizes or ge-"neral quarter-sessions of such county or counties of cities or

"towns

" towns, wherein he or they ſhall dwell or be apprehended, A. D.
" ſhall ſeverally be committed to the common goal of the re- 1709.
" ſpective counties, cities, or towns, where he or they ſhall be Chap. 3.
" ſo convict, there to remain without bail or mainprize till he
" or they be tranſported; and that all and every ſuch popiſh
" prieſt or prieſts, ſo convict as aforeſaid, ſhall be tranſported
" out of this kingdom in like manner as popiſh regulars, and
" that all and every ſuch popiſh prieſt or prieſts that ſhall ne-
" glect to regiſter him or themſelves," as by the ſaid ſtatute is directed, " and ſhall remain in this kingdom after the twen-
" tieth day of July, in the year of our Lord one thouſand ſe-
" ven hundred and four, ſhall be eſteemed a popiſh regular cler-
" gyman, and proſecuted as ſuch:" and whereas by one other act made in the ſixth year of her Majeſty's reign, intituled, *An Act for the effectual preventing the taking away and marrying children againſt the wills of their parents or guardians*, it is enacted, " That if any popiſh prieſts ſhall after the firſt day of Novem-
" ber one thouſand ſeven hundred and ſeven preſume to cele-
" brate the marriage of any perſon contrary to the true intent and
" meaning of the ſaid ſtatute, or ſhall celebrate matrimony be-
" tween any perſons, knowing that at the time ſuch marriage they
" or either of them is of the proteſtant religion; every ſuch popiſh
" prieſt ſo offending, and being thereof lawfully convicted, ſhall
" be deemed, adjudged, and reputed to be a popiſh regular, and
" ſhall ſuffer the pains, penalties and forfeitures of a popiſh
" regular:" notwithſtanding which ſaid ſtatutes, ſeveral of the ſaid popiſh arch-biſhops, biſhops, vicars-general, deans, jeſuits, fryars, prieſts, convict as aforeſaid, and papiſts exerciſing eccleſiaſtical juriſdiction, ſtill remain in this kingdom, and chuſe to continue in goal, rather than to procure themſelves to be tranſported, where they do exerciſe their ſaid pretended eccleſiaſtical juriſdiction, and officiate as popiſh prieſts, and may continue ſo to do: for remedy whereof, be it enacted by the authority aforeſaid, That all and every popiſh arch-biſhop, biſhop, vicar-general, dean, jeſuit, fryar, and papiſt, exerciſing eccleſiaſtical juriſdiction, and every popiſh prieſt, popiſh ſchool-maſter, and papiſts, who, by offending againſt this or any former act, are or ſhall be liable to tranſportation, ſhall within three months be tranſmitted by order of the juſtices of aſſize, or by order of the juſtices of the peace in their general quarter-ſeſſions of the peace, to the common goal of the next ſea port town, where he, they, and every of them, ſhall remain without bail or mainprize until tranſported.

6 *Anne* 16. *Sect.* 6.

Popiſh biſhops, &c. by this or former acts liable to tranſportation, ſhall in three months be tranſmitted to gaol of next ſea port, till tranſportation.

XXXII. And

A. D. 1709. Chap. 3.

Maſters of ſhips, &c. may receive ſuch popiſh regular, prieſt, and ſchoolmaſter, and tranſport them,

on refuſal to take them (not above 5 in one ſhip) collector not to diſcharge ſuch ſhip till the merchant freighting or the maſter conſent.

XXXII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for all maſters of ſhips, merchants, and others, to take and receive the body of ſuch popiſh regular clergyman, ſuch popiſh prieſt, and popiſh ſchool-maſter, ſo now lying and remaining in goal, and to be tranſported, or who may hereafter remain in goal to be tranſported, and to tranſport the ſaid perſon or perſons beyond the ſeas out of her Majeſty's dominions of Great-Britain and Ireland. And if any merchant freighting any ſhip outward bound for any place or port, not within either of the kingdoms of Great Britain or Ireland, ſhall refuſe to receive the body or bodies of ſuch popiſh regular clergyman, or popiſh prieſt, or popiſh ſchool-maſter, not exceeding five in any one ſhip, when required ſo to do by the chief magiſtrate or his deputy of ſuch place or port, where any ſuch popiſh perſon aforeſaid ſhall remain in goal, the collector and collectors, and other officer of her Majeſty's cuſtoms, are hereby required not to diſcharge ſuch ſhip until ſuch merchant ſo freighting the ſame, or ſuch maſter of a ſhip, ſhall conſent ſo to do, on pain that ſuch collector ſo diſcharging ſuch ſhip ſhall forfeit to her Majeſty the ſum of thirty pounds *ſterling*. And for an encouragement to the ſaid merchant or maſter of a ſhip to receive and tranſport the ſaid perſon or perſons, it ſhall and may be lawful for the ſaid collector of ſuch port or place to pay, and they are hereby required to pay, to the ſaid merchant or maſter of a ſhip the ſum of five pounds *ſterling* for the tranſportation of every ſuch perſon to any part of the Weſt-Indies, not being ſubject to her Majeſty, and the ſum of three pounds *ſterling* for the tranſportation of every ſuch perſon to any place or port in Europe, not being within her Majeſty's dominions; the ſame to be allowed the ſaid collector on his accompts, on producing a receipt of the ſaid merchant or maſter of a ſhip acknowledging a receipt of the ſaid ſum or ſums, and alſo a receipt acknowledging that he hath received the body of ſuch popiſh regular clergyman, popiſh prieſt, or popiſh ſchool-maſter; in which receipt ſhall be expreſt the name of ſuch perſon ſo to be tranſported, and the place where rhe ſaid perſon did laſt inhabit or reſide, and the time the ſaid perſon hath remained in goal, and from what county-goal he hath been tranſmitted to the ſaid port or place; which receipts ſhall be teſtifyed by the chief magiſtrate or his deputy of ſuch port or place; and which receipt herein laſt mentioned ſhall be enrolled in the crown-office of her Majeſty's court of chief place in Dublin without fee or reward, there to remain of record.

Penalty on collector 30 l.

Collector to pay 5 l. for each to Weſt-Indies; 3 l. to any part of Europe, not ſubject to the Queen.

allowed on his accompts, on producing a receipt of the ſum, the perſon, &c.

ſaid receipt teſtified by C. magiſtrate of the port,

and inrolled in crown office,

XXXIII. And be it further enacted by the authority aforeſaid, That if any ſuch popiſh regular clergyman, popiſh prieſt, or popiſh

if ſaid perſons found out of cuſtody of ſaid maſter,

piſh ſchool-maſter, who ſhall be found in this kingdom out of the cuſtody of the ſaid merchant or maſter of a ſhip ſo receiving the ſaid perſon, he ſhall be deemed and taken to be, and ſhall ſuffer ſuch pains, penalties, and forfeitures, as are inflicted on any popiſh regular clergyman, who hath been baniſhed and returned again into this kingdom by the laws and ſtatutes of this realm; and the ſaid merchant, or maſter of a ſhip, ſhall at the time of receiving the ſaid ſum or ſums from the collector, and receiving the body of ſuch popiſh regular clergyman, popiſh prieſt, or popiſh ſchool-maſter, enter into a recognizance to her Majeſty, her heirs and ſucceſſors, in the penalty of fifty pounds, to tranſport the ſaid popiſh perſon into ſome place not within this kingdom, or the kingdom of Great Britain, or the dominions thereunto belonging; which recognizance ſhall be entred into by the ſaid merchant, or maſter of a ſhip, at the time of the receipt of the reſpective ſum or ſums of five pounds and three pounds, before the chief magiſtrate of the ſaid town, port, and place; and the collector, by whom the ſaid ſum ſhall be paid, ſhall produce and deliver the ſaid recognizance to the commiſſioners of her Majeſty's revenue, when he ſhall account for the payment of the ſaid ſum; which recognizance ſhall by the ſaid commiſſioners be returned into the crown-office of her Majeſty's chief place at Dublin, for which no fee or reward ſhall be paid.

A. D. 1709. Chap. 3.

&c. liable to penalties on popiſh regulars returning. 9 *W.* 3. 1. 2 *Anne* 3. 2 *Anne* 7.

Said maſter, *&c.* on receiving ſaid ſums to give recognizance of 50 l. to tranſport,

to be delivered by collector to the commiſſioners,

and returned into crown office.

XXXIV. And whereas by the laws of this land, papiſts are not qualified to keep any horſe or mare, or gelding, of above five pounds value, which by experience is found prejudicial ſo far forth as the ſame relates to ſtud-mares: for remedy whereof, be it enacted by the authority aforeſaid, That no ſtud-mare kept for breeding only, nor ſtallion kept as ſuch and for no other uſe, ſhall be deemed or taken to be within the intention of the act, intituled, *An act for the better ſecuring the government by diſarming papiſts*, but that every papiſt and reputed papiſt may keep ſuch ſtud-mares and ſtallions, notwithſtanding the ſaid act, or any law to the contrary, and the breed or produce thereof under the age of five years, and not otherwiſe.

Papiſts may keep ſtud-mares and ſtallions, and their breed under 5 years old, notwithſtanding 7 *W.* 3. 5.

XXXV. Provided nothing in this act ſhall extend to the hindring the lord lieutenant, or other chief governors of this kingdom for the time being, from ſeizing and ſecuring any horſe, mare, or gelding belonging to any papiſt, or reputed papiſt, upon any invaſion likely to happen, or in any caſe of inteſtine war broke out, or likely to break out; any thing herein contained to the contrary notwithſtanding.

but on likelihood of invaſion or inteſtine war, any horſes of papiſts may be ſeized,

XXXVI. And be it further enacted by the authority aforeſaid, That in caſe the lord lieutenant, lords juſtices, or chief governor or governors of this kingdom, ſhall ſee cauſe, or order any horſe

if ordered to be redelivered, 6 d. *per* night to be firſt paid by

A. D. 1709. Chap. 3.

horſe or mare ſo ſeized to be delivered back to the owner, or perſon from whom any horſe or mare was ſo taken, that it ſhall and may be lawful for every perſon, having or keeping ſuch horſe or mare in his cuſtody by vertue of the authority aforeſaid, to keep or detain the ſame until the owner, or perſon from whom the ſame was taken, ſhall pay the ſum of ſix pence for every night the ſaid perſon did keep any ſuch horſe or mare by virtue of the authority aforeſaid.

the owner for keeping.

XXXVII. And be it further enacted by the authority aforeſaid, That no papiſt or papiſts, who are or ſhall be permitted to follow any trade, craft, or myſtery in this kingdom, ſhall hereafter take or keep more than two apprentices at a time in any ſuch trade, craft, or myſtery, (except the hempen or flaxen manufacture) and that for no leſs a term of apprenticeſhip than ſeven years; and that whatever papiſt ſhall offend therein by keeping more than two apprentices, or by taking or keeping apprentices for a leſs term than ſeven years, ſuch papiſt ſhall forfeit the ſum of one hundred pounds for every ſuch offence, to be recovered by ſuch perſon who ſhall ſue for the ſame, in ſuch manner as the ſeveral forfeitures, exceeding the ſum of ten pounds, herein before mentioned are to be recovered.

No papiſt in trade (except hemp or flax manufacture) to take more than 2 apprentices, and that not leſs than for 7 years:

Penalty 100l. to proſecutor.

XXXVIII. Provided always, and be it further enacted by the authority aforeſaid, That nothing in this act contained, or in any other act made in this kingdom ſince the paſſing of an act of Parliament in England, intituled, *An act for the relief of colonel Henry Luttrel, with relation to the forfeited eſtates in Ireland*, ſhall prejudice, affect, defeat, or take away any eſtate, right, title, or intereſt in law or equity, which the ſaid Henry Luttrel, who is adjudged within the articles of Limerick, had or hath to or in the manor, caſtle, town, and lands of Luttrelſtown, and other lands, tenements, and hereditaments in this kingdom, the eſtate of the family of the Luttrels; which were by letters patents, and for the conſiderations in the ſaid act and letters patents mentioned, granted by his Majeſty King William the third of glorious memory, to major Walter Delamer and his heirs in truſt for the ſaid Henry Luttrel and his heirs; which letters patents are hereby confirmed, and the ſaid Henry Luttrel is hereby enabled, and made, and declared capable, to diſpoſe of, ſettle, or deviſe, aſſure, convey, leaſe, charge, or incumber the ſaid lands, tenements, hereditaments, and eſtates, every or any part thereof, with or without the ſaid Walter Delamer, or his heirs, in ſuch manner, and to ſuch perſon or perſons, as to him the ſaid Henry Luttrel it ſhall ſeem fit and convenient; any thing in this act, or in any the above mentioned acts, contained to the contrary notwithſtanding: ſubject nevertheleſs to all ſuch chief-rents, crown-rents,

Not to prejudice Henry Luttrel's eſtate:

his letters patents confirmed:

with power to diſpoſe, ſettle, incumber, &c.

ſubject, &c.

rents, and other rents, as are iſſuing or payable out of the premiſſes to the Queen's Majeſty, her heirs and ſucceſſors, or to any other perſon or perſons whatſoever: and ſaving and reſerving to all and every perſon or perſons, bodies politick or corporate, their heirs, executors, adminiſtrators, or ſucceſſors, all ſuch right, title, and intereſt, charge, incumbrance, claim, and demand whatſoever in law or equity, which they, every or any of them, have in, to, or out of the ſaid premiſſes, or any part thereof; excepting always out of this proviſoe all rectories impropriate, with the tithes, oblations, obventions, advowſons of vicaridges, and all other things thereunto ſeverally and reſpectively belonging, which did at any time heretofore belong, or were reputed to belong, or appertain to, or were at any time enjoyed, uſed, or held, as part or parcel of the ſaid eſtate of the family of the Luttrels; to all or any of which rectories, impropriate tythes, oblations, obventions, advowſons of vicaridges, and all other things thereunto ſeverally and reſpectively belonging, the title of the ſaid Henry Luttrel is to ſtand, remain, and be of the ſame, and no greater or other force, than as before the making of this act.

Proviſo for Oliver Martin of Tulliry in Galway.

XXXIX. And whereas Oliver Martin of Tulliry in the county of Galway, eſquire, was during the late rebellion in this kingdom a perſon, who behaved himſelf with great moderation, and was remarkably kind to numbers of proteſtants in diſtreſs, many of which he ſupported in his family, and by his charity and goodneſs ſaved their lives, and in great meaſure preſerved their effects: be it therefore provided and enacted by the authority aforeſaid, That the ſaid Oliver Martin may have, hold, and enjoy all his eſtate, right, title, and intereſt in law or equity, to him and his heirs, which he and they now have, or may have, by deſcent in this kingdom; and he is hereby enabled and declared to be capable in every reſpect to have, hold, and enjoy the ſame, and to diſpoſe and ſettle the ſame on his eldeſt ſon and the heirs males of the body of ſuch eldeſt ſon; which ſettlement and diſpoſition is hereby declared good and valid; any thing in the act *to prevent the further growth of popery*, or in this preſent act, contained to the contrary notwithſtanding: ſubject nevertheleſs to all ſuch eſtates, intereſts, and demands, that all and every perſon or perſons, who now is or are, or hereafter ſhall be, of the proteſtant religion, have, or may have in reverſion, remainder, or otherwiſe, to the ſaid eſtate of the ſaid Oliver Martin, or any part thereof; and ſubject to all ſuch chief-rents, quit-rents, and crown-rents, and other rents, as are iſſuing and payable out of the premiſſes to the Queen's Majeſty, her heirs and ſucceſſors; and ſaving and reſerving to all and every perſon or perſons, bodies politick or corporate, their heirs, executors, adminiſtrators, or ſucceſſors,

A. D. 1709. ceſſors, all ſuch right, title, and intereſt, claim, and demand whatſoever in law or equity, which they or any of them have in, to, or out of the premiſſes or any part thereof.

CHAP. IV.

An Act to enable poſthumous children to take eſtates, as if born in their father's life-time.

10 & 11 *Wil.* 3. 16. *Eng.*

Poſthumous child may take remainder in a ſettlement to firſt, &c. ſon or daughter, tho' no truſtees to ſupport contingent remainders,

WHEREAS it often happens, that by marriage and other ſettlements eſtates are limitted in remainder, to the uſe of the ſons and daughters, the iſſue of ſuch marriage, with remainder over, without limitting an eſtate to truſtees to preſerve the contingent remainders limitted to ſuch ſons and daughters; by which means ſuch ſons and daughters, if they happen to be born after the deceaſe of their fathers, are in danger to be defeated of their remainder by the next in remainder after them, and left unprovided for by ſuch ſettlements, contrary to the intent of the parties that made thoſe ſettlements: for remedy whereof be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, That where any eſtate already is, or ſhall hereafter, by any marriage or other ſettlement be limitted in remainder to, or to the uſe of, the firſt or other ſon or ſons of the body of any perſon lawfully begotten or to be begotten, with any remainder or remainders over to, or to the uſe of, any other perſon or perſons, or limitted in remainder to, or to the uſe of, any daughter or daughters lawfully begotten or to be begotten, with remainder or remainders to any other perſon or perſons, in ſuch caſe any ſon or ſons, or daughter or daughters, lawfully begotten or to be begotten, that ſhall be born after the deceaſe of his, her, or their father, ſhall and may by vertue of ſuch ſettlement take ſuch eſtate ſo limitted to the firſt and other ſons, or to the daughter or daughters, in the ſame manner as if ſuch ſon or ſons, daughter or daughters, were born in the life time of his, her, or their father, although there ſhall happen no eſtate to be limitted to truſtees after the deceaſe of the father to preſerve the contingent remainder to ſuch after-born ſon or ſons, daughter or daughters, until he, ſhe, or they come *in eſſe*, or be born to take the ſame, any law or uſage to the contrary in any wiſe notwithſtanding.

but not to diveſt remainder already in poſſeſſion, or right accrued tho' not in actual poſſeſſion.

II Provided always, that nothing in this act ſhall extend, or be conſtrued to extend, to diveſt any eſtate in remainder, that by vertue of any marriage or other ſettlement is already come to the poſſeſſion of any perſon or perſons, or to whom any right is accrued,

crued, though not in actual poſſeſſion, by reaſon or means of any after-born ſon or ſons, daughter or daughters, not happening to be born in the life time of his, her, or their father. A. D. 1709.

CHAP. V.

An Act to prevent delays of proceedings at the aſſizes and ſeſſions.

WHEREAS it is experienced, That notwithſtanding the ſtatute made in the tenth and eleventh years of King Charles the firſt, concerning the granting of writs of *certiorari*, to remove indictments of riots, forcible entry, aſſault and battery, and other preſentments and indictments out of the courts of the general aſſizes or quarter-ſeſſions of the peace, in the counties or places wherein ſuch indictments have been found, and proceedings thereupon recorded in her Majeſty's court of Queen's-bench, divers turbulent, contentious, lewd, and evil diſpoſed perſons, fearing to be deſervedly puniſhed where they and their offences are well known, have not only obtained writs of *certiorari* for removing ſuch indictments found againſt them as aforeſaid, but alſo indictments for ſundry other treſpaſſes, frauds, nuſances, contempts and miſdemeanors, after iſſue joined, and the proſecutors attending with their councel and witneſſes to try the ſame before the ſaid juſtices of aſſize and of the peace in their ſaid ſeſſions, to the great diſcouragement of the proſecutors, and of ſuch conſtables and other officers, as according to their duty preſent perſons for thoſe and ſuch like treſpaſſes, offences and miſdemeanors: for remedy whereof, and that ſuch offenders may be brought to condign puniſhment, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in parliament aſſembled, and by the authority of the ſame, That in term time no writ of *certiorari* whatſoever at the proſecution of any party indicted be hereafter granted, awarded, or directed, out of the ſaid court of Queen's-bench, to remove any ſuch indictment or preſentment of treſpaſs or miſdemeanor before tryal had from before the ſaid juſtices in the ſaid courts of general aſſizes or quarter-ſeſſions of the peace, unleſs ſuch *certiorari* ſhall be granted or awarded upon motion of councel on affidavit, and by rule of court made for the granting thereof before the judge or judges of the ſaid court of Queen's-bench ſitting in open court; and that all the parties indicted, proſecuting ſuch *certiorari* before the allowance thereof, ſhall find two ſufficient *manucaptors*, who ſhall enter into a recognizance before the juſtices, to whom the ſame ſhall be delivered, in the ſum of twenty pounds, with condition at the return of ſuch writ to appear and plead to the ſaid

5 *W. & M.* 11. *Eng.* 10 & 11 *C.* 1. 10.

No *certiorari* in term to be granted out of B. R. to remove indictment, or treſpaſs or miſdemeanor, unleſs on motion on affidavit, and rule of court,

and two ſufficient *manucaptors* to give 20 l. recognizance for trying the iſſue next aſſiſes,

A. D. 1709. Chap. 5.

said indictment or presentment in the said court of Queen's-bench, and at his and their own cost and charges, to cause and procure the issue that shall be joined upon the said indictment or presentment, or any plea relating thereunto, to be tryed at the next assizes to be held for the county, wherein the said indictment or presentment was found, after such *certiorari* shall be returnable, if not in the county of Dublin and the county of the city of Dublin; and if in the said county or city, then to cause or procure it to be tryed the next term after, wherein such *certiorari* shall be granted, or at the sitting after the said term, if the court of Queen's-bench shall not appoint any other time for the tryal thereof; and if any other time shall be appointed by the court, then at such other time, and to give due notice of such tryal to the prosecutor or his attorney in court, and that the said recognizance and recognizances, taken as aforesaid, shall be certified into the said court of Queen's-bench with the said *certiorari* and indictment, to be there filed, and the name of the prosecutor (if he be the party grieved or injured) or some publick officer, to be indorsed on the back of the said indictment; and if the person prosecuting such *certiorari*, being the defendant, shall not before allowance thereof procure such *manucaptors* to be bound in a recognizance as aforesaid, the justices of the assize and of the peace may and shall proceed to tryal of the said indictments at the said sessions, notwithstanding such writ of *certiorari* so delivered.

if in county or city of Dublin the next term or settings after, or other time appointed,

to give prosecutor due notice of tryal,

said recognizance certified into B. R. &c.

on default, justices of assise and peace may proceed to trial.

II. And be it further enacted by the authority aforesaid, That if the defendant prosecuting such writ of *certiorari* be convict of the offence, for which he was indicted, that then the said court of Queen's-bench shall give reasonable costs to the prosecutor if he be the party grieved, or be a justice of the peace, mayor, bailiff, constable, headborough, tything-man, church-warden, or overseer of the poor, or any other civil officer, who shall prosecute upon the account of any fact committed or done, that concerned him or them as officer or officers to prosecute or present; which costs shall be taxed according to the course of the said court; and that the prosecutor for recovery of such costs shall within ten days after demand made of the defendant, and refusal of payment, on oath, have an attachment granted against him the defendant by the said court for such his contempt; and that the said recognizance shall not be discharged till the costs so taxed shall be paid.

Defendant on conviction to pay costs taxed,

on refusal, an attachment in 10 days after demand.

Recognizance not discharged till costs paid.

III. Provided always, and be it enacted by the authority aforesaid, That in any of the vacations writs of *certiorari* may be granted by any of the justices of her Majesty's court of Queen's-bench whose names shall be indorsed on the said writ, upon affidavit of the truth of the suggestion for granting the same; which shall be filed

In vacation *certiorari* may be granted by any of justices of B. R. on affidavit, and sureties as before.

filed in the ſaid court of Queen's-bench, and alſo the name of ſuch perſon at whoſe inſtance the ſame is granted; and that the party or parties indicted proſecuting ſuch *certiorari* ſhall, before the allowance of ſuch writ or writs of *certiorari*, find ſuch ſureties in ſuch ſum, and with ſuch conditions, as are before mentioned and ſpecified in this preſent act. A. D. 1709.

IV. Provided always, and be it enacted by the authority aforeſaid, That if any indictment or preſentment be againſt any perſon or perſons for not repairing any high ways, cauſe-ways, pavements, or bridges, and the right or title to repair the ſame may come in queſtion; upon ſuch ſuggeſtion, and affidavit made of the truth thereof, a *certiorari* may be granted to remove the ſame into the court of Queen's-bench; any law or ſtatute to the contrary in any wiſe notwithſtanding: provided nevertheleſs, that the party or parties proſecuting ſuch *certiorari* ſhall find two *manucaptors* to be bound in a recognizance, with condition as aforeſaid.

On indictment or preſentment for not repairing ways or bridges *certiorari* may be granted on affidavit, and finding ſureties as before.

V. Provided always, and be it enacted by the authority aforeſaid, That this act ſhall continue and be in force for ſeven years, and from thence to the end of the next ſeſſion of Parliament, and no longer.

Continuance 7 years, &c. *Perpetual by* 4 *G.* 1. 9.

CHAP. VI.

An Act for the better preventing the counterfeiting the current coin of this kingdom.

WHEREAS notwithſtanding the good laws ſtill in force againſt the counterfeiting her Majeſty's coin, and other the coins made current in this her Majeſty's kingdom of Ireland by her Majeſty's royal proclamation; yet the ſaid offence doth and is like daily to encreaſe, to the manifeſt wrong and injury both of her Majeſty and all her Majeſty's loving ſubjects; being very much occaſioned for want of a due and condign puniſhment to be inflicted on ſuch artificers and others, who without any lawful authority do make or uſe puncheons, ſtamps, dyes, and other engines and inſtruments, which are commonly uſed, or may be made uſe of, in or about the coining of money: for redreſs of which ſo great and growing a miſchief, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, that from and after the firſt day of November next no ſmith, engraver, founder, or other perſon or perſons whatſoever, other than and except the perſons employed, or hereafter to be employed in or for her Majeſty's mint or mints within

8 & 9 *Wil.* 3. 26 *Eng.*

No perſon (except employed in and for the mint) ſhall make or mend any puncheon, &c. to ſtamp gold or ſilver current coin,

A. D. 1709. Chap. 6.

within this kingdom of Ireland, and for the uſe and ſervice of the mints only, ſhall knowingly make or mend, or begin or proceed to make or mend, or aſſiſt in the making or mending of any puncheon, counter-puncheon, matrix, ſtamp, dyes, pattern, or mould of ſteel, iron, ſilver, or other metal or metals, or of ſpaud, or fine founders earth, or ſand, or of any other materials whatſoever, in or upon which there ſhall be or be made or impreſſed, or which ſhall make or impreſs, the figure, ſtamp, reſemblance or ſimilitude of both or either of the ſides or flats of any gold or ſilver coin, now or hereafter current within this kingdom; nor ſhall knowingly make or mend, or proceed to make or mend, or aſſiſt in the making or mending of any edger or edging-tool, inſtrument or engine not of common uſe in any trade, but contrived for making of money round the edges with letters, grainings, or other marks of figures reſembling thoſe on the edges of money coined in her Majeſty's mint, or other coin made current within this kingdom, or that ſhall hereafter be made current in this kingdom by proclamation, nor any preſs for coinage, nor any cutting-engine for cutting round blanks by force of a ſkrew out of flatted bars of gold, ſilver, or other metal; nor ſhall knowingly buy or ſell, hide, or conceal, or without lawful authority or ſufficient excuſe for that purpoſe, knowingly have in his, her, or their houſes, cuſtody, or poſſeſſion, any ſuch puncheon, counter-puncheon, matrix, ſtamp, dye, edger, cutting-engine, or other tool or inſtrument before mentioned: and if any ſmith, engraver, founder, or other perſon or perſons whatſoever, other than and except as aforeſaid, ſhall offend in any the matters and things aforeſaid, then all and every ſuch offender and offenders, their councellors, procurers, aiders and abettors, ſhall be by the authority aforeſaid adjudged to be guilty of high treaſon; and being of the ſaid offences, or any of them, convicted or attainted according to the order and courſe of the laws of this realm, ſhall ſuffer death as in caſes of high treaſon.

nor any tool, engine, or preſs for coinage,

nor buy, ſell, conceal or have the ſame.

Penalty on offenders, and abetters, high treaſon.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever from and after the ſaid firſt day of November ſhall, without lawful authority for that purpoſe, wittingly or knowingly convey, or aſſiſt in the conveying, out of her Majeſty's mint or mints in this kingdom, or that ſhall hereafter be in this kingdom, any puncheon, counter-puncheon, matrix, dye, ſtamp, edger, cutting-engine, preſs, or other tool, engine or inſtrument, uſed for or about the coining of monies there, or any uſeful part of ſuch tools or inſtruments, as ſhall wittingly or knowingly import or bring into this kingdom any of them without lawful authority; that then as well the ſaid perſon or perſons ſo offending, their councellors, procurers, aiders or abet-

Conveying out of the mint, or importing the ſame, high-treaſon.

tors, as alſo all and every perſon and perſons knowingly receiving, hiding, or concealing of the ſame, ſhall be by the authority aforeſaid adjudged guilty of high treaſon, and, being of the ſaid offences, or any of them, convicted or attainted according to the order and courſe of the laws of this realm, ſhall ſuffer death as in caſes of high treaſon. A. D. 1709. Chap. 6.

and marking on the edges counterfeit coin.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, other than the perſons employed or hereafter to be employed in her Majeſty's mint or mints, ſhall after the ſaid firſt day of November mark on the edges any counterfeit coin reſembling her Majeſty's coin, or other coin made current within this kingdom, or that ſhall hereafter be made current in this kingdom by proclamation, with letters or grainings, or other marks or figures like unto thoſe on the edges of money coined in her Majeſty's mint or mints in Great-Britain, or hereafter to be coined in Great-Britain, or like unto thoſe which her Majeſty may hereafter coin in any mint or mints within this kingdom, or like unto any foreign coin made current within this kingdom, or hereafter to be made current in this kingdom by proclamation, every ſuch offence ſhall be adjudged high treaſon, and the offender or offenders therein, his and their councellors, procurers, aiders, and abettors, being thereof convicted or attainted according to the order and courſe of the laws of this realm, ſhall ſuffer death as in caſes of high treaſon.

and colouring or gilding any reſembling current coin.

IV. And be it further enacted by the auhtority aforeſaid, That if any perſon or perſons whatſoever after the ſaid firſt day of November ſhall colour, gild, or caſe over with gold or ſilver, or with any waſh or materials producing the colour of gold or ſilver, any coin reſembling her Majeſty's coin or foreign coin, made or that ſhall hereafter be made current in this kingdom by proclamation, or any round or other figured blanks of baſe metal, or of courſe gold or courſe ſilver of a fit ſize and figure to be coined into counterfeit milled money, reſembling any of the gold or ſilver coin of Great-Britain, or if any perſon or perſons ſhall gild over any ſilver blanks of fit ſize and figure to be coined into pieces reſembling the current gold coin of this kingdom, or that ſhall hereafter be made current in this kingdom, or any other the coins made or which ſhall hereafter be made current in this kingdom by proclamation; all and every ſuch perſon and perſons ſo offending, their councellors, procurers, aiders, and abettors, ſhall be adjudged guilty of high treaſon, and, being convicted or attainted thereof according to the order and courſe of the laws of this realm, ſhall ſuffer death as in caſes of high treaſon.

V. And be it further enacted by the authority aforeſaid, That if any puncheon, dye, ſtamp, edger, cutting-engine, preſs, flaſk,

A. D. 1709. Chap. 6.

or other tool, inſtrument, or engine, uſed or deſigned for coining or counterfeiting gold or ſilver monies, or part of ſuch tools or engines, ſhall at any time after the ſaid firſt day of November be hid or concealed in any place, or found in the houſe, cuſtody, or poſſeſſion of any perſon or perſons whatſoever, not then employed in the coining of money in ſome of her Majeſty's mints, nor having the ſame by ſome lawful authority, that then it ſhall and may be lawful to and for any perſon or perſons whatſoever, diſcovering the ſame, to ſeize, and he and they is and are hereby required to ſeize, the ſame, and carry them forthwith to ſome juſtice of the peace of the county, city, or place, where the ſame ſhall be ſo ſeized, and by him ſecured, to be produced in evidence againſt any perſon or perſons, who ſhall or may be proſecuted for any ſuch offence, in ſome court of juſtice proper for the determination thereof; and after ſuch time as they, or any of them, ſhall have been produced in evidence, as well the ſame ſo produced as the other ſo ſeized and not made uſe of in evidence, and every of them, ſhall forthwith by order of that court, where ſuch offender or offenders ſhall be tryed, or by order and in the preſence of ſuch or ſome other juſtice of the peace, in caſe there be no ſuch tryal, be totally defaced and deſtroyed; and if after the ſaid firſt day of November any counterfeit or unlawfully diminiſhed money ſhall be produced in any court of juſtice, either in evidence againſt any perſon or perſons for any offence relating to the counterfeiting or unlawfully diminiſhing of money or otherwiſe, that then, or immediately after evidence given, the judge or judges of ſuch court ſhall cauſe ſuch money to be cut in pieces in open court, or in the preſence of ſome juſtice of the peace, and then to be delivered to or for ſuch perſon or perſons, to whom the ſame of right ſhall appertain.

Inſtruments for coining or counterfeiting ſhall be ſeized, and carried to a juſtice, to be produced in evidence on proſecution;

all ſuch inſtruments to be deſtroyed.

Counterfeit or unlawfully diminiſhed money, to be cut in pieces in court or before a juſtice, and delivered to the perſon to whom it appertains.

VI. And whereas ſeveral mixtures of metals have been invented in imitation of gold and ſilver, and blanched copper is principally made uſe of in imitation of ſilver, and ſeldom, if ever, for any honeſt or good purpoſes: be it therefore enacted by the authority aforeſaid, That if any perſon or perſons whatſoever after the ſaid firſt day of November ſhall blanch copper for ſale, or mix blanched copper with ſilver, or knowingly buy or ſell, or offer to ſale, blanched copper alone or mixt with ſilver, or ſhall knowingly or fraudulently buy or ſell, or offer to ſale, any malleable compoſition, or mixture of metals or minerals, which ſhall be heavier than ſilver, and look, and touch, and wear like ſtandard gold, but be manifeſtly worſe than ſtandard, or ſhall take, receive, or pay, or put off any counterfeit milled money, or any milled money whatſoever unlawfully diminiſhed, and not cut in pieces, at or for a lower rate or value than the ſame by its denomination

To blanch copper for ſale, or mix with ſilver, or knowingly buy or ſell it or any malleable compoſition heavier than ſilver, or taking or paying counterfeit or diminiſhed milled money, not cut in pieces, at a lower rate, &c. felony.

nomination doth or ſhall import, or was coined or counterfeited for; that then all and every ſuch perſon and perſons ſhall be deemed and adjudged guilty of felony, and, being thereof convicted or attainted, according to the order and courſe of the laws of this realm, ſhall ſuffer death as in caſe of felony. A. D. 1709. Chap. 6.

No attainder on this act to make corruption of blood or loſs of dower.

VII. Provided always, and be it further enacted by the authority aforeſaid, That this act, or any thing therein contained, or any attainder or attainders of any perſon or perſons for any offence or offences made treaſon or felony by this act, ſhall not in any wiſe extend, and be adjudged, interpreted, or expounded, to make any corruption of blood to any the heir or heirs of any ſuch offender or offenders, or to make the wife of any ſuch offender to loſe or forfeit her dower of or in any lands, tenements, or hereditaments, or her title, action, or intereſt of, and in, or to the ſame; and that all and every perſon or perſons, that ſhall at any time after the ſaid firſt day of November be accuſed or impeached of any of the ſaid offences made treaſon or felony by this act, ſhall or may be indicted, arraigned, tryed, convicted, or attainted by ſuch like evidence, and in ſuch manner and form, as now are or may be by the laws of this realm had or uſed againſt any offender or offenders for counterfeiting the Queens money; any thing in this act contained, or any other law or ſtatute, to the contrary notwithſtanding.

Offenders tried by like evidence, &c. as for counterfeiting the Queen's money.

VIII. And whereas the preventing the currency of counterfeit money is a more effectual means to preſerve coin intire and pure, than the moſt rigorous laws for puniſhment of ſuch as counterfeit the ſame: and whereas by the known laws of this kingdom no perſon ought to pay, or knowingly tender in payment, any counterfeit or unlawful money; and all perſons not only may refuſe to receive the ſame, but may, and by the ancient ſtatutes and ordinances of this kingdom have been required to, deſtroy and deface the ſame, and more eſpecially the officers and miniſters imployed in the receipt and diſburſement of her Majeſty's Exchequer by the duty of office ought to receive no money but good and true: and whereas the ſaid ancient laws are grown into diſuſe, whereby counterfeit money receives a currency, and wicked and traiterous perſons are emboldened to counterfeit the ſame: now to the end that money, which now is or hereafter ſhall be current in this kingdom, may not be counterfeited, be it enacted by the authority aforeſaid, That it is and ſhall be lawful to and for any perſon or perſons, to whom any gold or ſilver money ſhall be tendered, any piece or pieces whereof by the ſtamp, impreſſion, colour, or weight, may be ſuſpected to be counterfeited, to cut, break or deface ſuch piece or pieces; and if any piece ſo cut, broken, or defaced, ſhall appear to be counterfeited, the perſon

9 & 10 *W.* 3. 21. *Eng.* Perſon, to whom gold or ſilver money tendered, which is ſuſpected, may cut, break or deface; if counterfeit, tenderer to bear the loſs: if lawful, the other take it at it's currency.

A. D. 1709. Chap. 6.

perſon ſo tendering the ſame ſhall bear the loſs thereof: but if the ſame ſhall appear to be lawful money, the perſon that cut, broke, or defaced the ſame, ſhall and is hereby required to take the ſame at the rate of its currency: and if any queſtion or diſpute ſhall happen to ariſe, whether the piece ſo cut be counterfeit, it ſhall be heard and determined finally by the mayor, bayliff or bayliffs, or other chief officer of any city or town corporate, where ſuch tender ſhall be made; and if ſuch tender ſhall be made out of any ſuch city or town corporate, then by the next juſtice of the peace of the county inhabiting or being near the place where ſuch tender ſhall be made; and the ſaid mayor, or other chief officer and juſtice of the peace, ſhall have full power and authority to adminiſter an oath, as he ſhall ſee convenient, to any perſon for determining any queſtion relating to the ſaid piece.

Diſputes determined by chief officer of the corporation, or next juſtice of the county.

IX. And be it further enacted by the authority aforeſaid, That all and ſingular the officers and miniſters concerned in the receipt of her Majeſty's revenue, aids, impoſitions, duties, and taxes given and granted, or to be hereafter given and granted, ſhall and are hereby required to cut, break, or deface, or cauſe to be cut, broken, or defaced, every piece of counterfeit or unlawfull diminiſht ſilver money, that ſhall be tendered in payment to them, for the uſe of her Majeſty, her heirs or ſucceſſors, or for any part of the revenue, aids, impoſitions, duties, or taxes of her Majeſty, her heirs or ſucceſſors.

Revenue officers to break or deface counterfeit or unlawfully diminiſhed ſilver.

X. And foraſmuch as a great part of the coin now current, or that hereafter may be current, in this kingdom, is and may be foreign coin made current by proclamation; therefore it is reaſonable, in caſe any perſon or perſons ſhould be accuſed of any offence relating to ſuch foreign coin ſo made current, that the evidence of ſuch proclamation ſhould be aſcertained: be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of November the printed proclamation ordering, publiſhing, and declaring the currency of ſuch foreign coin, and aſcertaining the rates and value of ſuch foreign coin reſpectively in this kingdom, ſhall be taken, deemed, and adjudged ſufficient evidence in all courts of juſtice of the currency of ſuch coin, and that the ſame is intended to be preſerved by this act from being counterfeited, as if the original proclamation under the great ſeal of this kingdom were produced.

The printed proclamation evidence of the currency of foreign coin.

XI. Provided, That the clerk of the council for the time being, or his deputy, do certifie under his hand and ſeal on the back of ſuch proclamation, that the original proclamation under the great ſeal of this kingdom agrees *verbatim* with the printed proclamation, whereon he writes ſuch certificate; which pro-

Clerk of the council indorſing a certificate that the original agrees *verbatim*;

clamations

clamations and certificates, thereon endorſed as aforeſaid, the clerk of the council for the time being, or his deputy, are required to ſend from time to time, as proclamations relating to the currency of coin ſhall iſſue, to the ſeveral and reſpective clerks of the crown in this kingdom, without fee or reward. A. D. 1709.

and ſending the ſame to clerks of the crown.

XII. Provided always, and be it further enacted, That this act ſhall continue and be in force for ſeven years, and until the end of the next ſeſſion of Parliament after the expiration of the ſeven years; and that no proſecution ſhall be made for any offence againſt the ſaid act, unleſs ſuch proſecution be commenced within ſix months after ſuch offence committed.

Proſecution to be in ſix months.

To continue ſeven years, &c. *perpetual by* 4 *G.* 1. 9.

CHAP. VII.

An Act for the better preventing eſcapes out of the priſon of the Marſhalſea of the four-courts.

WHEREAS divers perſons, legally committed by her Majeſty's ſeveral courts of record at Dublin to the cuſtody of the marſhal of the Marſhalſea of the ſaid court upon actions for the recovery of debt or damages, or for contempts in not performing orders or decrees made in her Majeſty's courts of equity, and likewiſe perſons committed in execution, have by corrupt and illegal practices obtained liberty to eſcape and go at large without ſatisfaction made to the reſpective plaintiff or creditors, and without performing ſuch orders or decrees, to the diſcouragement of trade, and in defiance to the good and wholſome laws heretofore made to reſtrain ſuch abuſes: for remedy whereof, and for preventing the like evil practices for the future, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by authority of the ſame, That if any perſon or perſons already committed, rendered, or charged, or who ſhall hereafter be committed, or rendered to, or charged in the cuſtody of the Marſhal of the Four courts aforeſaid for the time being, either in execution or upon meſne proceſs, or upon any contempt in not performing any order or decree made by any of the ſaid courts; and if ſuch perſon or perſons ſhall at any time after ſuch commitment, render, charge, or being in execution, and before he, ſhe, or they ſhall have made payment or ſatisfaction to the reſpective plaintiff or plaintiffs, creditor or creditors, or ſhall have cleared him, her, or themſelves of ſuch contempts as he, ſhe, or they were or ſhall be charged with at the time of

1 *Anne* 6. *ſtat.* 2. *Eng.*

If a perſon in cuſtody of marſhal of four courts, before ſatisfaction made, eſcape or go at large,

A. D. 1709. Chap. 7.

ſuch their commitment, render, charge, or bring in execution as aforeſaid, make any eſcape from the cuſtody of the marſhal of the ſaid courts for the time being, or from the priſon of the ſaid marſhalſea, or ſhall go at large at any time after the nine and twentieth day of September, which ſhall be in this preſent year of our Lord God one thouſand ſeven hundred and nine, it ſhall and may be lawful, upon oath thereof in writing, to be made by one or more credible perſon or perſons before any one of the judges of that court where ſuch action was entred, or judgment and execution were obtained, or where the party was ſo committed or charged as aforeſaid, to and for ſuch judge, before whom ſuch oath ſhall be made as aboveſaid, and ſuch judge is hereby authorized and required, from time to time to grant unto any perſon whatſoever, who ſhall demand the ſame, one or more warrant or warrants under his hand and ſeal, therein reciting the action or actions, execution or executions, contempt or contempts, with which ſuch perſon or perſons ſo eſcaping or going at large ſtood charged, or for which ſuch perſon or perſons were committed, with the name or names of the perſon or perſons, on whoſe behalf ſuch warrant or warrants ſhall be demanded; which ſaid warrant or warrants ſhall be in force in all places within this kingdom, directed to all ſheriffs, mayors, and other head officers, ſeneſchals, bayliffs, and conſtables, therein and thereby requiring them and every of them in their reſpective counties, cities, towns, and precincts, to ſeize and retake ſuch perſon or perſons ſo eſcaped or going at large; and ſuch perſon or perſons, ſo retaken upon ſuch warrant, forthwith to convey and commit to the common goal of ſuch county where ſuch perſon or perſons ſo eſcaped are going at large ſhall be retaken, there to remain without bail or mainprize, or without being thence upon any account whatſoever delivered or removed, until he, ſhe, or they ſhall have made full payment or ſatisfaction to the reſpective plaintiff or plaintiffs, creditor or creditors, in ſuch action or actions, execution or executions, named, or until the judgment or judgments, on which ſuch execution or executions was or were ſued out againſt ſuch perſon or perſons, ſhall be reverſed or diſcharged by due courſe of law, or until judgment in ſuch action or actions be given for ſuch perſon or perſons ſo committed as aforeſaid, or until ſuch contempt or contempts, for which ſuch perſon or perſons were or ſhall be committed, be cleared or diſcharged, except ſuch perſon or perſons be charged with treaſon or felony, or any other crime, matter, or cauſe, for and on the behalf of the Queen's Majeſty, her heirs and ſucceſſors; and if ſuch perſon or perſons be removed for any ſuch cauſe, on behalf of the Queen, her heirs and ſucceſſors, to any other goal or priſon, he or ſhe ſhall be in the cuſtody of ſuch goal

On oath thereof in writing a judge of the court where, &c. ſhall grant a warrant, in force in all places, to all ſheriffs, &c. to retake, and commit to common gaol, till ſatisfaction made, or judgment, &c. diſcharged,

except in caſe of treaſon, felony, or other crime in behalf of the Queen.

goal charged with all the cauſes, with which he or ſhe is or ſhall be charged in the goal from whence he or ſhe ſhall be removed: and every mayor and other officer as aforeſaid, after delivery of ſuch priſoner ſo retaken, together with ſuch warrant to the ſheriff, ſhall take a note in writing from ſuch ſheriff, teſtifying the receipt of ſuch priſoner, which ſaid ſheriff is hereby required to receive ſuch priſoner, and to give ſuch note; and every ſuch ſheriff, after the execution of ſuch warrant, ſhall forthwith make a return thereof to the court where the reſpective action is or ſhall be depending, or the judgment, order, or decree is or ſhall be had or obtained, which return ſhall be entred and filed upon record. A. D. 1709. Chap. 7.

Officer on delivery to the ſheriff, ſhall take a note of the receit.

Sheriff to return execution of the warrant to the court,

II. And be it further enacted, That if any perſon or perſons, ſo retaken by warrant as aforeſaid, ſhall at any time make any eſcape out of the goal, to which ſhe or they ſhall be ſo conveyed and committed as aforeſaid, the ſheriff in whoſe cuſtody he, ſhe, or they was or were, ſhall be liable to anſwer for ſuch eſcape, as in the caſe of any other eſcape; any law, uſage, or cuſtom, to the contrary in any wiſe notwithſtanding.

and liable on eſcape.

III. Provided always, That it ſhall and may be lawful to or for any perſon or perſons, that are or ſhall be bail in any ſuit or action in any of her Majeſty's ſaid courts of record at Dublin for any ſuch perſon or perſons, that ſhall be retaken and conveyed to ſuch goal as aforeſaid by virtue of ſuch warrant, to have and proſecute out of ſuch of her Majeſty's courts, where he, ſhe, or they are or ſhall be bail, a writ directed to the ſheriff of the county, to the goal whereof ſuch priſoner ſo retaken ſhall be committed and detained, commanding ſuch ſheriff to detain and keep ſuch priſoner in cuſtody in diſcharge of his bail; which writ, together with an account whether he hath the ſaid priſoner in his cuſtody, ſhall be returned by the ſaid ſheriff into court at a day therein to be mentioned, and the delivery of every ſuch writ to the ſheriff or his deputy, ſhall be deemed and taken to be an effectual render of ſuch priſoner, to all intents and purpoſes whatſoever, in diſcharge of the ſaid bail; and in caſe ſuch ſheriff, or his deputy, or other his inferior officer, ſhall at any time after the delivery of ſuch writ ſuffer the perſon or perſons ſo rendered in diſcharge of his, her, or their bail to eſcape, they and every of them ſo offending ſhall be liable to ſuch action or actions, as the marſhal of the four-courts is liable to for permitting any perſon to eſcape out of his cuſtody or priſon, who was committed upon render in diſcharge of his, her, or their bail.

Bail may have a writ to ſheriff to detain the priſoner retaken in diſcharge of bail.

Sheriff to return to the court ſaid writ, with an account,

and afterwards liable on eſcape.

IV. And be it further enacted, That every ſuch ſheriff upon requeſt of ſuch perſon or perſons being bail as aforeſaid, who ſhall deliver ſuch writ for keeping and detaining ſuch priſoners as aforeſaid,

Penalty on ſheriff not making return &c. 100 l.

A. D. 1709. Chap. 7.

aforeſaid, and who ſhall pay the uſual fees for returns of actions, ſhall make return and certify under his hand the receipt of ſuch writ and the time of his receiving the ſame; and likewiſe, whether the perſon ſo retaken was then in his cuſtody; and in default thereof, ſhall for every ſuch neglect or refuſal forfeit one hundred pounds *ſterling*, to be recovered in any of her Majeſty's ſaid courts at Dublin, by action of debt, bill, plaint, or information, wherein no eſſoin, protection, wager of law, or any more than one imparlance ſhall be allowed; and upon producing ſuch return or certificate to the court, where ſuch bail ſhall be taken, ſuch court ſhall direct and cauſe a *reddidit ſe* to be entred upon the bailpiece, which ſhall be as effectual to all intents and purpuſes as if the ſaid bail had then actually rendered the perſon of the ſaid defendant to ſuch court, or before any judge or judges of the ſame.

Court, on producing ſuch return, *&c.* to enter a *reddidit ſe*, on the bail piece.

This a general law, and conſtrued moſt beneficially to prevent eſcapes, *&c.*

V. And for the prevention of diſputes touching this act, be it enacted by the authority aforeſaid, That the ſame and every clauſe and thing therein contained ſhall be adjudged and taken to be a general law, and that it ſhall not be needful to ſet forth the ſame or any part thereof in pleading; and that this act and every clauſe therein ſhall be conſtrued moſt beneficially for the preventing of all the miſchiefs, abuſes, eſcapes, and other inconveniencies herein provided againſt.

Perſons ſued for putting it in execution may plead general iſſue, and have treble coſts.

VI. And be it further enacted, That if any perſon or perſons ſhall at any time be ſued for putting in execution any power or authority given by this act, ſuch perſon or perſons may plead the general iſſue, and give in evidence the ſpecial matter; and if the plaintiff or plaintiffs in ſuch action or actions ſhall be nonſuit, or ſhall diſcontinue his, her, or their action or actions, or if a verdict ſhall be given for the defendant or defendants, or that judgment upon demurrer ſhall be given for the defendant or defendants, every ſuch defendant or defendants ſhall have his or their treble coſts of ſuit.

CHAP.

A. D. 1709.

CHAP. VIII.

An act for the encouraging the diſcovery and apprehending of houſe-breakers.

5 *Anne* 31. *Eng.*

WHEREAS the crimes of burglary and breaking open of houſes in a felonious manner are of late years become more frequent than formerly, to the great diſquiet, terror, and impoveriſhing of many of her Majeſty's ſubjects; which crimes might be in a great meaſure prevented, if due encouragement were given to ſuch as ſhall vigorouſly endeavour the diſcovering and apprehending of ſuch malefactors, and ſome ſevere puniſhment inflicted on ſuch as ſhall receive or buy ſtolen goods, and harbour and protect ſuch offenders: for remedy whereof be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That from and after the twenty ninth day of September one thouſand ſeven hundred and nine, all and every perſon and perſons, who ſhall apprehend and take any perſon or perſons guilty of burglary, or the felonious breaking and entring of any houſe in the day time, and proſecute him or them ſo apprehended or taken, until he, ſhe, or they, be convicted of ſuch burglary and felony, ſhall have and receive the ſum of five pounds within twenty one days after ſuch conviction, to be paid by the collector of the diſtrict where ſuch felony or burglary ſhall be committed and done, without any fee for the ſame, to the perſon or perſons ſo taking, apprehending, and proſecuting the ſaid offenders, he, ſhe or they tendering a certificate to the ſaid collector, under the hand or hands of the judges or juſtices before whom ſuch felon ſhall be convicted for ſuch burglary or felony, certifying the conviction of ſuch felon for the ſaid offence or offences, and in what pariſh the ſame was committed; and alſo that ſuch felon or felons was or were taken by the perſon or perſons claiming the ſaid reward: and in caſe any diſpute ſhall happen to ariſe between the perſons ſo apprehending any of the ſaid felons touching the right and title to the ſaid reward, that then the ſaid judges or juſtices, ſo certifying reſpectively as aforeſaid, ſhall in and by their ſaid certificate direct and appoint the ſaid reward to be paid to and amongſt the ſaid parties claiming the ſame, in ſuch ſhare and proportions as to the ſaid judges or juſtices ſhall ſeem juſt and reaſonable: and if it ſhall happen, that any ſuch collector ſhall die or be removed before the expiration of the ſaid twenty one days after ſuch

Five pound to be paid by collector in 21 days to the perſon apprehending and proſecuting to conviction any guilty of burglary, &c. upon certificate of the judges.

On diſpute the judges may direct the proportions to be paid to the claimants.

on death or removal of collector, to be paid by ſucceſſor.

A. D. 1709. Chap. 8.

ſuch conviction and demand made of the ſaid reward, (not being paid as aforeſaid) that then the next ſucceeding collector ſhall pay the ſame within one month after demand and certificate brought as aforeſaid; and if default of payment of the ſaid ſum or ſums of money ſhall happen to be made by any collector, ſuch collector ſo making default ſhall forfeit to the perſon or perſons, to whom ſuch money is due as aforeſaid, double the ſum or ſums of money he or they ought to have paid, to be received by him, her, or them, or his, her, or their executors or adminiſtrators, in any of her Majeſty's courts of record at Dublin, by action of debt, bill, plaint, or information, wherein but one imparlance, and no eſſoin, protection, or wager of law ſhall be allowed, with treble coſts of ſuit.

Penalty double on collector for default.

II. And be it further enacted by the authority aforeſaid, That in caſe any watch-man or any other perſon or perſons ſhall happen to be killed by any ſuch burgler or houſe breaker, ſuch watch-man or other perſon or perſons endeavouring to apprehend, or in making purſuit after him, her, or them, that then the executors or adminiſtrators of ſuch perſon or perſons ſo killed, to whom the right of adminiſtration of the perſonal eſtate of ſuch perſon or perſons ſo killed ſhall belong, upon certificate delivered under the hands and ſeals of ſuch judges or juſtices of aſſize of the county where the fact was committed, or the two next juſtices of the peace, of ſuch perſon or perſons being ſo killed, (which certificate the ſaid judges or juſtices reſpectively, upon ſufficient proof before them made, are immediately required to give without fee or reward) ſhall receive the ſum of twenty pounds from the collector of the diſtrict as aforeſaid where the ſaid fact was done and committed, and upon failure of payment thereof by the ſaid collector, the ſum of forty pounds to be recovered againſt him with treble coſts of ſuit in manner and form aforeſaid.

Executors, &c. of watchman or others killed by burgler or houſe breaker in endeavouring to apprehend, to receive on certificate 20 l.

Penalty on collector 40 l. and treble coſts.

III. And be it further enacted by the authority aforeſaid, That every ſuch collector, his executors and adminiſtrators, upon producing ſuch reſpective certificates, and the receipts of the money paid by him in purſuance of this act, ſhall be allowed, and is hereby impowered to deduct, upon his accounts all monies, other than ſuch penalties or forfeitures as he ſhall incur through his own default as aforeſaid and treble coſts of ſuit, which ſhall be recovered as aforeſaid; and if upon ſtating the accompt of any collector, there ſhall not be money ſufficient in the hands of ſuch collector to reimburſe him ſuch money paid by him by vertue of this act, that then ſuch collector, having ſo paid the ſaid money, ſhall have the ſame repaid by the vice treaſurer, or his deputy for the time being, out of the revenue of the crown, clear of all

Allow'd to collector in his accompts, except ſaid penalty.

If not enough in his hands, repaid by vice-treaſurer, on commiſſioners certificate.

fees,

fees, charges, and deductions whatſoever, upon a certificate from the commiſſioners of the revenue for that purpoſe. A. D. 1709.

IV. And be it further enacted, That if any perſon or perſons, being out of priſon, ſhall after the twenty ninth day of September one thouſand ſeven hundred and nine diſcover two or more perſons, who already have or hereafter ſhall commit any ſuch burglary or felony, ſo as two or more of the perſons diſcovered ſhall be convicted of ſuch burglary or felony; any ſuch diſcoverer ſhall have the like reward and allowance of five pounds, hereby promiſed to be paid to the perſon or perſons who ſhall apprehend and convict houſe-breakers, and all other advantages given to ſuch taker and proſecutor, and ſhall be alſo intituled to the gracious pardon of her Majeſty, her heirs and ſucceſſors, for all burglaries, robberies, and felonies (except murder and treaſon) by ſuch diſcoverer committed at any time or times before ſuch diſcovery made; which pardon ſhall likewiſe be a good barr to any appeal brought for ſuch burglary or felony. Chap. 8.

Any one out of priſon diſcovering and convicting two ſuch burglars or felons, to receive 5 l. and pardon of all burglaries, robberies and felonies (except murder and treaſon. 4 *G.* 1. 9.

Which pardon a bar to appeal.

V. And foraſmuch as the ſaid felons are much encouraged to commit ſuch burglaries and felonies, becauſe a great number of perſons make it a trade to receive and buy of the ſaid felons goods, ſo by them felonioufly taken; and alſo do make it their buſineſs to harbour and conceal the ſaid offenders after the ſaid facts, knowing the ſaid burglaries and felonies to have been by them committed: be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall receive or buy any goods or chattels, that ſhall be felonioufly taken or ſtolen from any other perſon, knowing the ſame to be ſtolen, or ſhall receive, harbour, or conceal any burglers, felons, or thieves, knowing them to be ſuch, ſhall be taken and deemed as acceſſary or acceſſaries to the ſaid felony or felonies, and being of either of the ſaid offences legally convicted by the teſtimony of one or more credible witneſſes, ſuch offender ſhall ſuffer and incur the pain of death, as a felon convicted.

Perſons who knowing, buy or receive ſtolen goods, or harbour or conceal burglars or felons, acceſſaries. 9 *W.* 3. 7.

VI. Provided always, That if ſuch principal felon cannot be taken, ſo as to be proſecuted and convicted for any ſuch offence; yet nevertheleſs it ſhall and may be lawful to proſecute and puniſh every ſuch perſon and perſons buying and receiving any goods ſtolen by any ſuch principal felon, knowing the ſame to be ſtolen, as for a miſdemeanor, to be puniſhed by fine or impriſonment, or other ſuch corporal puniſhment, as the court ſhall think fit to inflict, although the principal felon be not before convict of the ſaid felony; which ſhall exempt the offender from being puniſhed as acceſſary to ſuch principal felon, if ſuch principal felon ſhall be afterwards taken and convicted.

Buyer and receiver puniſhable as for miſdemeanor, tho' principal can't be taken. 4 *Anne* 11.

VII. Provided

A. D. 1709.

VII Provided always, and be it further enacted by the authority aforeſaid, That the judge or judges, juſtice or juſtices, before whom ſuch felons or houſe-breakers ſhall be convicted as aforeſaid, ſhall determine and ſettle the right and ſhares of ſuch reſpective perſons, who by vertue of this act ſhall be intituled to the certificate by this act directed to be given, and ſhall alſo (being thereunto required) make out and deliver, or cauſe to be made out and delivered, the ſaid certificate to ſuch perſon or perſons intituled thereunto, before the end of ſuch aſſizes or ſeſſions, where ſuch conviction as aforeſaid ſhall be had; for which certificate one ſhilling, and no more, ſhall be demanded or paid.

Judges to give certificate before the end of aſſizes or ſeſſions, for which 1 s. to be paid.

CHAP. IX.

An Act for delivering declarations to priſoners.

4 & 5 W. & M. 21. Eng.

WHEREAS by the courſe of practice in the reſpective courts of record at Dublin, commonly called the Four-courts, after the plaintiff or plaintiffs in any writ, iſſued out of any of the ſaid courts, hath or have been at great charge to arreſt the defendant or defendants upon ſuch writ, and the defendant or defendants for want of ſufficient bail are often committed to goal, and unleſs the plaintiff or plaintiffs ſhall before the end of two terms next after ſuch arreſt cauſe ſuch defendant or defendants by writs of *habeas corpus* to be removed, to be charged in the ſaid reſpective courts with a declaration or declarations of the cauſe of ſuch action or actions, ſuch priſoner or priſoners is or are upon a common bail or appearance by attorney diſcharged from their impriſonment, to the great prejudice of the plaintiff or plaintiffs: for remedy whereof be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That if at any time from and after the firſt day of November in this preſent year one thouſand ſeven hundred and nine any defendant or defendants ſhall be taken or charged in cuſtody at the ſuit of any perſon or perſons, upon any writ or writs out of any of the ſaid courts at Dublin, and impriſoned or detained in priſon for want of ſureties for their appearance to the ſame, the plaintiff or plaintiffs in ſuch writ or writs ſhall and may, before the end of the next term after ſuch writ or proceſs ſhall be returnable, declare againſt ſuch priſoner or priſoners in the reſpective court or courts, out of which the writ or writs ſhall iſſue; whereupon the ſaid priſoner or priſoners ſhall be taken and impriſoned, or charged in cuſtody; and

Defendant in cuſtody on writ out of any the four courts, plaintiff in next term after proceſs returnable may declare in the reſpective court, and deliver a copy.

ſhall or may cauſe a true copy thereof to be delivered to ſuch priſoner or priſoners, or to the goaler or keeper of the priſon or goal, in whoſe cuſtody ſuch priſoner or priſoners ſhall be or remain; to which declaration or declarations the ſaid priſoner or priſoners ſhall appear and plead; and if ſuch priſoner or priſoners ſhall not appear and plead to the ſame before the end of the term next after ſuch declaration or declarations ſhall be ſo delivered as aforeſaid, the plaintiff or plaintiffs in ſuch caſes ſhall have judgment, as if the priſoner or priſoners had appeared in the ſaid reſpective courts, and refuſed to anſwer or plead to ſuch declaration or declarations. A. D. 1709. aud if priſoner appear not and plead before end of next term, ſhall have judgment as if he appeared and refuſed to anſwer and plead.

II. And be it further enacted, That in all declarations againſt any priſoner or priſoners, detained in priſon by vertue of any writ or proceſs, to be iſſued from and after the time aforeſaid out of the court of Queen's-Bench, it ſhall be alledged in cuſtody of what ſheriff, bailiff, or ſteward, of any franchiſe or other perſon, having the return and execution of writs, ſuch priſoner or priſoners ſhall be at the time of ſuch declaration by vertue of the proceſs of the ſaid court at the ſuit of the plaintiffs; which allegation ſhall be as good and effectual to all intents and purpoſes, as if ſuch priſoner or priſoners were in the cuſtody of the marſhal of the ſaid Four-courts of our ſovereign lady the Queen. In declarations, on proceſs out of *B. R.* it ſhall be alledged in cuſtody of what ſheriff, *&c.* the priſoner is; which as effectual as if in cuſtody of marſhal.

CHAP. X.

An Act for amending an act, intituled, an act for the publick regiſtring of all deeds, conveyances and wills, that ſhall be made of any honors, manors, lands, tenements, or hereditaments.

WHEREAS an act made in this kingdom in the ſixth yeat of the reign of her preſent Majeſty, intituled, *An Act for the publick regiſtring of all deeds, conveyances and wills that ſhall be made of any honors, manors, lands, tenements, or hereditaments,* is of good deſign and publick benefit, but has been found by experience to be defective in ſeveral particulars; for remedy whereof be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That a memorial of all ſuch deeds and conveyances, as have been made and executed ſince the twenty fifth day of March one thouſand ſeven hundred and eight, being the time of the commencement of the ſaid former act, and that ſhall hereafter be made and executed in the kingdom of Great-Britain, and of all wills and deviſes in writing where the *Recital* 6 *Anne* 2. 8 *G.* 1. 15. 5 *G.* 2. 4. 2 *Anne* 4. *Eng.* 5 *Anne* 18. *Eng.* 6 *Anne* 35. *Eng.* Memorial of deeds made in Great Britain, and of wills (deviſees reſiding there) concerning lands in Ireland, ſhall be regiſtered, on affidavit, before a judge at Weſtminſter, or maſter in chancery, or

A. D. 1709. Chap. 10.

deviſor of teſtatrix hath died ſince the ſaid twenty fifth day of March one thouſand ſeven hundred and eight, or ſhall hereafter dye, and the deviſees in ſuch will reſiding in Great-Britain, of or concerning, or whereby any honors, manors, lands, tenements, or hereditaments, within this kingdom of Ireland, are or may be any way affected, ſhall be entred or regiſtred by the regiſter appointed by vertue of the ſaid former act of Parliament, or his deputy, in caſe an affidavit ſworn before one of the judges of any of the courts at Weſtminiſter, or a maſter in Chancery, or before the juſtices of the peace in open court, at any general quarter-ſeſſions in the ſaid kingdom of Great-Britain, be brought with the ſaid memorial to the ſaid regiſter or his deputy; in which affidavit one of the witneſſes to the execution of ſuch deeds and conveyances ſhall ſwear he or ſhe ſaw the ſame executed, and the memorial ſigned and ſealed; or in which affidavit one of the witneſſes to the memorial of any will ſhall ſwear he or ſhe ſaw ſuch memorial ſigned and ſealed; and ſuch affidavit ſhall be a ſufficient authority to the ſaid regiſter or his deputy, to give the party, that brings ſuch memorial and affidavit, a certificate on the deed, or on a ſeparate and diſtinct parchment, the deed not being produced of the regiſtring ſuch memorial; which certificate ſigned by the ſaid regiſter or his deputy ſhall be taken and allowed as evidence of the regiſtries of the ſame memorials in all courts of record whatſoever; any thing in the ſaid former act, or in this act, contained to the contrary thereof in any wiſe notwithſtanding.

at ſeſſions, brought with the memorial.

One of the witneſſes to the execution ſwearing to it;

and regiſter to give a certificate on the deed, or a ſeparate parchment, the deed not being produced.

Said certificate evidence of regiſtry.

II. And be it further enacted by the authority aforeſaid, That every page of ſuch regiſter-books, and every memorial, that ſhall be entred therein, ſhall be numbered, and the day of the month, and the year, and hour, or time of the day, when every memorial is regiſtered, ſhall be entered in the margins of the ſaid regiſter-books, and in the margins of the ſaid memorial.

Pages of regiſter books, and memorials entered, to be numbered; and the time entered in margins of each.

III. And be it further enacted by the authority aforeſaid, That in caſe of Mortgages, whereof memorials have been already entered, or ſhall be entered in the ſaid regiſter office purſuant to the aforeſaid act, if at any time afterwards a certificate ſhall be brought to the ſaid regiſter or his deputy, ſigned and ſealed by the reſpective mortgagee or mortgagees in ſuch mortgage, his, her, or their reſpective executors, adminiſtrators, or aſſigns, and atteſted by two or more witneſſes, one of which witneſſes ſhall by affidavit to be made before the ſaid regiſter or his deputy, or perſons impowered by the ſaid former act, or by this act, for taking affidavits, (who are hereby impowered and required to adminiſter ſuch oath) prove ſuch monies to be ſatisfied and paid accordingly, and that he or ſhe ſaw ſuch certificate ſigned and ſealed by the ſaid mortgagee or mortgagees,

On certificate by mortgagee, executors, &c. with two witneſſes, one of which by affidavit proves the money paid, &c. the regiſter ſhall enter in the margin againſt the memorial ſatisfaction, and file ſuch certificate and affidavit.

8 G. 1. 15. *altered.*

mortgagees, his, her, or their reſpective executors, adminiſtrators, or aſſigns, that then and in every ſuch caſe the ſaid regiſter, or his deputy, ſhall make an entry in the margin of the ſaid regiſtry-books againſt the regiſtry of the memorial of ſuch mortgage, that ſuch mortgage was ſatisfied and diſcharged according to ſuch certificate, to which the ſame entry ſhall refer, and ſhall after file ſuch certificate and affidavit, to remain upon record in the ſaid regiſter-office; for which entry the ſaid regiſter ſhall be allowed ſix pence, and no more. A. D. 1709. Chap. 10. 5 *Anne* 18. *Eng.* 6 *Anne* 35. *Eng.* Fee for entry 6 d.

IV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time forge or counterfeit any ſuch certificate, as is herein before mentioned and directed, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur and be liable to ſuch pains and penalties, as in and by an act of Parliament made in the twenty eighth year of the reign of Queen Elizabeth of bleſſed memory, intituled, *An act againſt forging evidences*, are impoſed upon offenders therein mentioned: and that if any perſon or perſons ſhall at any time forſwear him, or herſelf, before the ſaid regiſter or his deputy, or other perſons impowered by the ſaid former act, or this act for taking affidavits, in any of the caſes aforeſaid, and be thereof lawfully convicted, ſuch perſon or perſons ſhall incur and be liable to the ſame penalties, as if the ſame oath had been made in any of the courts of record in Dublin. Penalty of forging certificate, as by 28 *Eliz.* 3. For perjury, the ſame as if in court of record.

V. And be it further enacted by the authority aforeſaid, That the ſaid former act and this preſent act ſhall be taken and allowed in all courts within this kingdom as publick acts, and all judges, juſtices, and other perſons therein concerned, are hereby required as ſuch to take notice thereof without ſpecial pleading the ſame. This, and 6 *Anne* 2. publick acts.

VI. And be it further enacted by the authority aforeſaid, That every judge and judges of aſſize, at every aſſizes in his and their circuits, and the juſtices of the peace at every quarter-ſeſſions in every county in this kingdom, within the ſpace of three years from and after the royal aſſent ſhall be given to this act, ſhall cauſe the ſaid former act and this preſent act to be read in open court, and the ſame ſhall be then and there given in charge. And read and given in charge at aſſizes and ſeſſions for three years.

CHAP.

CHAP. XI.

An act for the better payment of inland bills of exchange, and for making promiſſary notes more obligatory.

9 & 10 *W.* 3. 17. *Eng.*

WHEREAS great damages and other inconveniencies do frequently happen in the courſe of trade and commerce, by reaſon of delays of payment, and other neglects on inland bills of exchange in this kingdom: be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame. That from and after the firſt day of September, which ſhall be in the year of our Lord one thouſand ſeven hundred and nine, all and every bill or bills of exchange, drawn in or dated at and from any trading city or town, or any other place in this kingdom, of the ſum of five pounds *ſterl.* or upwards, upon any perſon or perſons of or in Dublin, or any other trading city, town, or any other place, in which ſaid bill or bills of exchange ſhall be acknowledged and expreſſed the ſaid value to be received, and is and ſhall be drawn payable at a certain number of days, weeks, or months after date thereof, and from and after preſentation and acceptance of the ſaid bill or bills of exchange, which acceptance ſhall be by the under-writing the ſame under the parties hand ſo accepting, and after the expiration of three days after the ſaid bill or bills ſhall become due, the party to whom the ſaid bill or bills are made payable, his ſervant, agent, or aſſigns, may and ſhall cauſe the ſaid bill or bills to be proteſted by a notary publick, and in default of ſuch notary publick, by any other ſubſtantial perſon of the city, town or place, in the preſence of two or more credible witneſſes, refuſal or neglect being firſt made of due payment for the ſame; which proteſt ſhall be made and written under a fair written copy of the ſaid bill of exchange in the words or form following.

Bills of exchange drawn in Ireland, &c. of 5 l. value received, payable at certain time after date; after acceptance by under-writing, and three days after become due, payee, &c. may on refuſal or neglect proteſt by a notary publick, or in default, any other ſubſtantial perſon of the place with two witneſſes.

Form of proteſt.

KNOW all men that I A. B. *on the day of at the uſual place of abode of the ſaid have demanded payment of the bill, or acceptance of the bill, of which the above is the copy; which the ſaid did not pay, or did not except; wherefore I the ſaid do hereby proteſt the ſaid bill. Dated at this Day of*

Which proteſt ſo made as aforeſaid ſhall within fourteen days after making thereof be ſent, or otherwiſe due notice ſhall be given thereof to the party, from whom the ſaid bill or bills were received, who is upon producing ſuch proteſt to repay the ſaid bill or bills, together with all intereſt and charges from the day ſuch bill or bills were proteſted; for which proteſt ſhall be paid a ſum not exceeding the ſum of two ſhillings; and in default or neglect of ſuch proteſt made and ſent, or due notice given within the days before limitted, the perſon ſo failing or neglecting thereof is and ſhall be liable to all coſts, damages, and intereſts, which do and ſhall accrue thereby.

A. D. 1709. Chap. 11.

To be ſent, or notice given, in 14 days to the party, who is to repay with intereſt and charges from the proteſt: not more than 2 s. for proteſt.

The perſon failing, liable to coſts, damages and intereſt.

II. Provided nevertheleſs, That in caſe any ſuch inland bill or bills of exchange ſhall happen to be loſt or miſcarried within the time before limitted for payment of the ſame, then the drawer of the ſaid bill or bills is and ſhall be obliged to give another bill or bills of the ſame tenor with thoſe firſt given; the perſon or perſons to whom they are or ſhall be ſo delivered giving ſecurity, if demanded, to the ſaid drawer to indempnify him againſt all perſons whatſoever, in caſe the ſaid bill or bills of exchange ſo alledged to be loſt or miſcarried ſhall be found again.

If bill loſt within the time, drawer to give another, on ſecurity to indemnify.

III. And be it further enacted by the authority aforeſaid, That from the ſaid firſt day of September in the year of our Lord one thouſand ſeven hundred and nine, in caſe upon preſenting any ſuch inland bill or bills of exchange, the party or parties on whom the ſame ſhall be drawn ſhall refuſe to accept the ſame by under-writing the ſame as aforeſaid, the party to whom the ſaid bill or bills are made payable, his ſervant, agent, or aſſigns, may and ſhall cauſe the ſaid bill or bills to be proteſted for non-acceptance in manner afore-mentioned; for which proteſt there ſhall be paid two ſhillings, and no more.

3 & 4 *Anne* 9. *ſec.* 4. *Eng.*

Payee may proteſt for non acceptance.

2 s. for proteſt.

IV. Provided always, That from and after the ſaid firſt day of September one thouſand ſeven hundred and nine, no acceptance of any ſuch inland bill or bills of exchange ſhall be ſufficient to charge any perſon whatſoever, unleſs the ſame be under-written or indorſed in writing thereupon, and if ſuch bill be not accepted by ſuch under-writing or indorſement in writing, no drawer of any ſuch inland bill ſhall be liable to pay any coſts, damages, or intereſt thereupon, unleſs ſuch proteſt be made for non-acceptance thereof, and within fourteen days after ſuch proteſt the ſame to be ſent, or otherwiſe notice thereof be given, to the party, from whom ſuch bill was received or left in writing at the place of his or her uſual abode; and if ſuch bill be accepted and not paid before the expiration of three days after the ſaid bill ſhall become due and payable, then no drawer of ſuch bill ſhall be compellable to pay any coſts, damages, or intereſts thereupon, unleſs a

Acceptance to be underwritten or indorſed.

Drawer not to pay coſts, &c. unleſs proteſt made, and ſent as before, or notice given, or left in writing, for non acceptance, or non-payment.

A. D. 1709. Chap. 11.

proteſt be made and ſent, or notice thereof be given in manner and form above mentioned; nevertheleſs every drawer of ſuch bill ſhall be liable to make payment of coſts, damages, and intereſts upon ſuch inland bill, if any one proteſt be made for non-acceptance or non-payment thereof, and notice thereof be ſent, given, or left as aforeſaid.

No proteſt neceſſary, unleſs value received expreſſed, and for 5 l.

V. Provided, That no ſuch proteſt ſhall be neceſſary either for non-acceptance or non-payment of any inland bill of exchange, unleſs the value be acknowledged and expreſſed in ſuch bill to be received, and unleſs ſuch bill be drawn for the payment of five pounds *ſterl.* or upwards, and that the proteſt hereby required for the non-acceptance ſhall be made by ſuch perſons, as are appointed by this act to proteſt the ſame.

Proteſt for non-acceptance to be by ſaid perſons.

Acceptance of a bill in ſatisfaction of former debt, a compleat payment, unleſs proteſt as aforeſaid.

VI. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of September one thouſand ſeven hundred and nine, if any perſon doth accept any ſuch bill of exchange for and in ſatisfaction of any former debt or ſum of money formerly due unto him, the ſame ſhall be accounted and eſteemed a full and compleat payment of ſuch debt, if ſuch perſon accepting of any ſuch bill for his debt doth not take his due courſe to obtain payment thereof, by endeavouring to get the ſame accepted and paid, and make his proteſt as aforeſaid either for non-acceptance or non-payment thereof.

Not to diſcharge any remedy againſt drawer, acceptor, or indorſer.

VII. Provided, That nothing herein contained ſhall extend to diſcharge any remedy, that any perſon may have againſt the drawer, acceptor, or indorſer of ſuch bill.

3 & 4 *Anne* 9 *ſec* 1. *Eng.*

VIII. And whereas it hath been held that notes in writing, ſigned by the party who makes the ſame, whereby ſuch party promiſes to pay unto any other perſon, or his order, any ſum of money therein mentioned, are not aſſignable or indorſable over within the cuſtom of merchants to any other perſon, and that ſuch perſon, to whom the ſum of money mentioned in ſuch note is payable, cannot maintain an action by the cuſtom of merchants againſt the perſon, who firſt made and ſigned the ſame; and that any perſon, to whom ſuch note ſhould be aſſigned, indorſed or made payable, could not within the ſaid cuſtom of merchants maintain any action upon ſuch note againſt the perſon, who firſt drew and ſigned the ſame: therefore to the intent to encourage trade and commerce, which will be much advanced, if ſuch notes ſhall have the ſame effect as inland bills of exchange, and ſhall be negociated in like manner; be it further enacted by the authority aforeſaid, That all notes in writing after the ſaid firſt day of September in the year of our Lord one thouſand ſeven hundred and nine, which ſhall be made and ſigned by any perſon or perſons, or by the ſervant or agent of any

Promiſſary notes ſigned by any perſon, or ſervant or agent of a banker, &c. uſually intruſted thereto taken to be due to the perſon to whom payable;

any banker, goldſmith, merchants, or trader, who is uſually in- A. D.
truſted by him, her, or them, to ſign ſuch promiſſary notes for 1709.
him, her, or them, whereby ſuch perſon or perſons, his, her, or Chap. 11.
their ſervant or agent as aforeſaid, doth or ſhall promiſe to pay to any other perſon or perſons, his, her, or their order, or unto bearer, any ſum of money mentioned in ſuch note, ſhall be taken and conſtrued to be by virtue thereof due and payable to any ſuch perſon or perſons, to whom the ſame is made payable; and alſo every ſuch note payable to any perſon or perſons, his, her, or their order, ſhall be aſſignable or indorſable over, in the ſame manner as inland bills of exchange are or may be, according to the cuſtom of merchants; and that the perſon or perſons, to whom ſuch ſum of money is or ſhall be by ſuch note made payable, ſhall and may maintain an action for the ſame, in ſuch manner as, he, ſhe, or they might do upon any inland bill of exchange made or drawn according to the cuſtom of merchants, againſt the perſon or perſons who, or whoſe ſervant or agent as aforeſaid, ſigned the ſame; and that any perſon or perſons, to whom ſuch note that is payable to any perſon or perſons, his, her, or their order, is indorſed or aſſigned, or the money therein mentioned ordered to be paid by indorſement thereon, ſhall and may maintain his, her, or their action for ſuch ſum of money either againſt the perſon or perſons, who, or whoſe ſervant or agent as aforeſaid, ſigned ſuch note, or againſt any of the perſons that endorſed the ſame, in like manner as in caſes of inland bills of exchange; and in every ſuch action the plaintiff or plaintiffs ſhall recover his, her, or their damages and coſts of ſuit; and if ſuch plaintiff or plaintiffs ſhall be nonſuited, or a verdict be given againſt him, her, or them, the defendant or defendants ſhall recover his, her, or their coſts againſt the plaintiff or plaintiffs; and every ſuch plaintiff or plaintiffs, defendant or defendants, reſpectively recovering, may ſue out execution for ſuch damages and coſts by *capias*, *fieri facias*, or *elegit*.

If payable to order, aſſignable and indorſable over as inland bills of exchange, and action may be maintained thereon;

and action by indorſee againſt promiſor or indorſer.

Plaintiff or defendant may have coſts,

and execution by *capias*, *fieri facias*, or *elegit*.

IX. And be it further enacted by the authority aforeſaid, That all and every ſuch actions ſhall be commenced, ſued, and brought, within ſuch time as is appointed for commencing or ſuing actions upon the caſe by the ſtatute made in the tenth year of the reign of King Charles the firſt, intituled, *An act for limitation of actions, and for avoiding of ſuits in law.*

Actions to be brought within the limitation for action on the caſe by 10 *C.* 1. 6. *Seſſ.* 2.

A. D. 1709.

CHAP. XII.

An Act to amend the defects of ſuch acts as have been made relating to the hempen and flaxen manufactures, and to encourage the further improvement thereof.

Repealed 19 G. 2. 6.

FORASMUCH as ſeveral acts of Parliament made in this kingdom, eſpecially one act made in the ſixth year of her preſent Majeſty's reign, intituled, *An act for the encouragement and improvement of the hempen and flaxen manufacture*, have been found by experience not to have fully and effectually anſwered the purpoſes, for which they were intended, and that particularly becauſe no mention is made nor encouragement given for flax-ſeed to be imported, which, if granted, would greatly conduce to the improvement of the linen manufacture of this kingdom: be it therefore enacted by the Queen's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That whoſoever ſhall import, or cauſe to be imported, into this kingdom any good and ſound flax-ſeed of the growth of Ruſſia, Germany, the Netherlands, or Eaſt-Country, at any time within the remainder of the nine years in the ſaid recited act mentioned, ſhall receive for every hogſhead of ſuch flax-ſeed, as a premium, the ſum of five ſhillings, to be paid to the importer by ſuch officer and in ſuch manner as the five ſhillings a hogſhead for hemp-ſeed is by the ſaid act directed and appointed to be paid.

6 *Anne* 9.

II. And for a further encouragement to the manufacture of ſail-cloth be it enacted, That over and above what is allowed in the ſaid former act, and for every yard of ſail-cloth made of ſound and good hemp of ten pence *per* yard value, and under fourteen pence, ſo exported, the ſum of one penny, and for every yard of main-ſail, or courſe canvas in imitation of Holland Duck, of the value of fourteen pence or more, made of hemp, two pence, for the term of three years from the nine and twentieth of September one thouſand ſeven hundred and nine, be paid to the importer by ſuch officer, and in ſuch manner, and upon ſuch examination and proof, as by the ſaid act is directed and appointed.

III. And whereas no proviſion is made by the ſaid act for erecting and enlarging the houſes of correction in counties of cities and counties of towns, and for making the ſame work-houſes as is thereby provided for counties at large: for remedy whereof be it further enacted by the authority aforeſaid, That the ſeveral houſes of correction in all and every of the counties of cities and counties of towns ſhall before the twenty fourth day of June one thouſand ſeven hundred and ten be ſufficiently enlarged; and in caſe ſuch enlargement cannot conveniently be made for want of a ſufficient quantity of ground thereto next adjoining, then and in ſuch caſe the ſaid houſe and houſes of correction ſhall be built in ſome other more convenient place within the ſame county of city or town, where there ſhall be a ſufficient quantity of ground for the doing thereof; ſuch place or places, where the ſame ſhall be built, being ſett out and appointed by the grand jury of every ſuch county of city or town at the ſummer-aſſizes, to be held yearly for every ſuch county of city or town, by and with the conſent of the proprietors of ſuch ground, with all the like conveniencies of dreſſing and preparing of hemp and flax, or either of them, at the charge of every ſuch county of town or city reſpectively: and that the grand jury of every ſuch county of city or town at the ſummer-aſſizes, to be held yearly for every ſuch county, may be and are hereby required and impowered to chooſe and name overſeers for ſuch work-houſe not exceeding three in number; which overſeers, or any two of them, are alſo to nominate and appoint keepers or maſters of

of the ſaid houſes of correction or work-houſe in their reſpective counties; which ſaid overſeers or maſters of houſes ſhall be under ſuch qualifications, rules, directions, reſtrictions, and orders, as are ſet forth more fully in the aforeſaid act, in relation to overſeers and maſters of houſes of correction, and work-houſes of counties at large; as alſo to have the ſame ſalaries, allowances, or other ſum or ſums of money yearly to them reſpectively paid, and after the ſame manner, with the like advantages and profits ariſing out of each ſaid houſe, as maſters or keepers of ſuch houſes in the the counties at large by virtue of the ſaid act.

IV. And be it further enacted by the authority aforeſaid, That a ſpinning-ſchool, or a ſchool for teaching to ſpin hemp or flax, ſhall be from and after the twenty fourth day of June one thouſand ſeven hundred and ten kept and taught in every county of a town, or county of a city, where any ſuch work-houſe as herein mentioned ſhall be, to the ſame end and purpoſe, and under the care of a perſon duly qualified purſuant to the ſaid act, to be nominated and appointed by the overſeers, or any two of them reſpectively, of every ſuch work-houſe; and that the perſon ſo teaching to ſpin hemp or flax ſhall be a maſter or miſtreſs, and be under the ſame government and direction of ſuch overſeers, or any two of them, and be paid ſuch annual ſums or ſalaries, and receive ſuch profits and advantages out of the ſaid ſchool, as perſons imployed in ſuch ſchools in the counties at large have by virtue of the ſaid act.

V. And for encouraging the maſters and keepers of ſuch houſes of correction and work-houſes fully to teach and inſtruct his apprentices in the art and myſtery of well ordering and preparing of hemp or flax, or either of them: be it further enacted by the authority aforeſaid, That every ſuch maſter or keeper, who ſhall ſo fully inſtruct and teach his apprentice or appentices the ſaid art or myſtery, as ſhall be approved of and allowed by the reſpective overſeers, or any two of them, for the time being, and the grand-jury of the ſaid county, at any aſſizes for the ſaid county, to be maſter of the ſaid art or myſtery, that then ſuch maſter ſhall for the ſpace of ten years, and no longer, to commence from the firſt day of September, which ſhall be in the year of our Lord one thouſand ſeven hundred and nine, have for each and every ſuch apprentice, not exceeding five in number, the ſum of forty ſhillings; which ſaid ſum ſhall be preſented by ſuch grand-jury in each county, and applotted in the ſame manner as other county taxes or ceſſes are; and when levied, the ſame ſhall be paid to ſuch maſter or keeper accordingly, without any fee or reward to be given for the ſame; any act to the contrary made in any wiſe notwithſtanding.

VI. And for the better encouragement and advancement of the trade, art, or myſtery of the weaving and making of flaxen and hempen cloth; be it further enacted by the authority aforeſaid, That if any perſon whatſoever, being a native of this kingdom, not having ſerved his apprenticeſhip to the trade of weaving flaxen cloth for the ſpace of five years, and for the weaving of ſail-cloth for the ſpace of two years, and not having wrought at the flaxen trade as a journeyman for the ſpace of two years, ſhall from and after the ſaid firſt day of September ſet up for himſelf, and keep a loom, and work at the ſame as a weaver of linnen cloth, ſuch perſon ſo acting ſhall, upon complaint and oath made thereof before any juſtice of the peace in ſuch county wherein ſuch perſon ſo acting ſhall live, work, or reſide, be bound over to the next general ſeſſions of the peace held for ſuch county; and, being thereof lawfully convicted, he ſhall for every ſuch offence forfeit the ſum of fifty ſhillings, to be levied by diſtreſs and ſale of his goods, by warrant from ſuch ſeſſions of the peace, rendring to the party the overplus; one half of the ſaid forfeiture to be for the uſe of the perſon, who ſhall proſecute and ſue for the ſame, and the other half to the poor of the pariſh wherein he doth live or reſide; and where no diſtreſs ſhall be found, ſuch offender ſhall be committed to the houſe of correction for the ſpace of one month.

VII. And whereas the nature of the ſoil of this kingdom is very different in the ſeveral provinces thereof, ſo that ſome parts or counties therein are more pro-

A. D. 1709.

per to produce hemp, and other parts or counties flax: and whereas the ſpinning of hemp is more properly the work or labour of men, and ſpinning flax the work or exerciſe of women: be it therefore enacted by the authority aforeſaid, That any perſon may be deemed and allowed by the overſeers, or any two of them, of ſuch work-houſes, to be duly qualified to be maſters or keepers of ſuch work-houſes, who ſhall be ſufficiently ſkilled in the ſaving, managing, and dreſſing of either hemp or flax; as alſo that men may be allowed to keep, teach, and manage ſuch ſpinning-ſchools as are or ſhall be appointed for ſpinning of hemp, and women or men thoſe for the ſpinning of flax; any thing to the contrary hereto in any former act notwithſtanding.

VIII. And whereas ſeveral perſons have been proſecuted by indictment or indictments, or otherwiſe, for what they have acted or done in purſuance of the ſaid former acts *for improvement of the hempen and flaxen manufactures of this kingdom*, or any of them, whereby they have been put to great charges and trouble: be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons now are or ſhall hereafter be proſecuted by indictments, or be otherwiſe ſued or impleaded for what he or they have done or ſhall do in purſuance of this or the ſaid former acts, or any of them; it ſhall be lawful to and for ſuch perſon or perſons ſo proſecuted, or otherwiſe ſued or impleaded upon any action or other ſuit brought or to be brought or commenced againſt him or them for acting purſuant to the ſaid acts, or any of them, to plead the general iſſue, and give this and the ſaid former acts, or any of them, in evidence; and if the plaintiff be non-ſuit, or verdict paſs againſt him, or ſuch perſon or perſons be acquitted on ſuch indictment, the defendant ſhall have treble coſts, to be paid by ſuch plaintiff, or perſon, who ſhall on behalf of her Majeſty proſecute ſuch indictment; and that the ſaid action or indictment ſhall be tryed in the proper county, where ſuch cauſe of action or ſuit did ariſe, or ſuch fact was or ſhall be committed, and not elſewhere; and if the ſaid action or ſuit be brought, or indictment found, in any other county than where the ſaid fact was or ſhall be committed, or cauſe of action or ſuit did or ſhall ariſe, verdict ſhall in every ſuch caſe paſs for the defendant, and ſuch defendant ſhall be diſmiſſed, and ſhall have treble coſts, to be paid by ſuch plaintiff or proſecutor as aforeſaid.

CHAP. XIII.

An Act for diſſolving the union of the pariſhes of Tynan and Derrynooſe, and for building ſeveral pariſh churches in more convenient places in the dioceſs of Armagh.

14 & 15 C. 2. 10.

WHEREAS purſuant to an act of Parliament paſſed in this kingdom, in a ſeſſion held in the fourteenth and fifteenth years of the reign of King Charles the ſecond, intituled, *An act for real union and diviſion of pariſhes, and concerning churches, free-ſchools and exchanges*, the pariſh and rectory of Derrynooſe in the Dioceſs of Armagh is united in perpetuity to the pariſh and rectory of Tynan in the ſaid dioceſs; and the ſaid pariſhes and rectories of Derrynooſe and Tynan are made and conſtituted one intire rectory and pariſh, by and under the name of the rectory and pariſh of Tynan: and whereas by the late increaſe of proteſtant inhabitants in the ſaid united pariſhes of Tynan and Derrynooſe the cure is become too great to be diſcharged by one miniſter, and the

the parochial church of the ſaid united pariſhes is not large enough for the convenient accommodation of the pariſhioners of the ſaid united pariſhes to hear divine ſervice, and perform religious duties in; as alſo for that moſt part of the ſaid late pariſh of Derrynooſe lieth at too great a diſtance from the parochial church of the ſaid united pariſhes: for remedy therefore of the ſaid inconveniencies, and to the end that the cure of the ſouls of the inhabitants of the ſaid united pariſhes may be better attended and taken care of, than the ſame can be by one perſon, and the inhabitants of the ſaid united pariſhes be encouraged by the accommodation they will have for the worſhip of God in publick, frequently and conſtantly to reſort and repair to their ſeveral pariſh-churches for the due performance of religious duties: be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty ninth day of September one thouſand ſeven hundred and nine, the ſaid union of the ſaid pariſhes of Derrynooſe and Tynan be null and void, and the ſame is hereby declared to be null and void to all intents and purpoſes whatſoever; and the ſaid pariſhes of Tynan and Derrynooſe are and ſhall for ever thereafter be deemed, eſteemed, and taken, as two diſtinct pariſhes, and be divided and ſeparated in ſuch manner, and by ſuch mears and bounds, as they were before they were united as aforeſaid, and each of them ſhall be ſeparate and independent from the other, and ſhall each of them by it ſelf have all parochial rights and privileges as ſeparate and diſtinct pariſhes; any thing in the ſaid act of Parliament, or the ſaid union, to the contrary thereof in any wiſe notwithſtanding. A. D. 1709. Chap. 13.

Union of the pariſhes of Tynan and Derrynooſe in Armagh dioceſe void, notwithſtanding ſaid ſtatute.

II. And be it further enacted by the authority aforeſaid, That there ſhall be for each of the ſaid pariſhes a ſeveral parochial church, and a rector or miniſter, ſeveral and independent from the other, and conſtant and perpetual ſucceeding rectors or miniſters there for ever, who ſhall each of them have reſpectively the cure of ſouls in the ſaid reſpective pariſhes, and have, enjoy, and receive from the inhabitants of their ſaid reſpective pariſhes all ſuch tythes, oblations, obventions, Eaſter dues, and other duties, rates, aſſeſſments, or taxations as ariſe, grow, or renew, within the ſaid reſpective pariſhes, and are due and of right ought to be paid to the rectors or miniſters of ſuch pariſhes, and that there ſhall be for each of the ſaid pariſhes church-wardens, a pariſh clerk, and other uſual pariſh officers in ſucceſſion for ever, who ſhall perform the ſeveral and reſpective pariſh-duties belonging to their reſpective offices, and have and receive the ſeveral and reſpective profits, benefits, advantages, and privileges, uſually

Each pariſh to have a ſeveral church and miniſter, &c.

A. D. 1709. Chap. 13.

uſually enjoyed with and of right belonging to ſuch reſpective offices in pariſhes; and alſo that all the pariſhoners, inhabitants, and others of the ſaid reſpective pariſhes ſhall ſeparately pay all pariſh-charges, aſſeſſments, and other duties, in ſuch manner as they ſhould or ought to have done, in caſe the ſaid union had never been made: and alſo that the miniſter or rector, and pariſhioners of each of the ſaid pariſhes, ſhall and may hold veſtries, and make rules and orders for the regulation and ordering of their reſpective pariſhes, and for the reparations of the ſaid pariſh churches from time to time, and of all other matters incident to pariſhes, as any other pariſhes may or can do; which rules and orders ſo to be made ſhall have the ſame force and effect in law, as rules and orders by them made before the ſaid union, and no greater or other.

Patronage and collation to belong to archbiſhop of Armagh.

III. And be it further enacted by the authority aforeſaid, That the right of patronage of the ſaid ſeveral rectories, and of collation to the ſaid churches on the preſent avoidance of the ſaid church of Derrynooſe, and the avoidance of each of the ſaid churches of Tynan and Derrynooſe reſpectively by the death, ceſſion, or removal of the reſpective incumbents thereof, ſhall belong unto his grace the lord archbiſhop of Armagh and his ſucceſſors for ever, in ſuch manner as it did before the making the ſaid union, and not otherwiſe.

Archbiſhop and rector of Derrynooſe with conſent at veſtry may build a church in more convenient place.

IV. And whereas the antient pariſh-church of Derrynooſe is very inconveniently ſituated, and in a ruinous condition; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the archbiſhop of Armagh, and the rector of the ſaid pariſh of Derrynooſe for the time being, with the conſent of the church-wardens and the major part of the inhabitants thereof, at a veſtry to be held in ſome convenient place in the ſaid pariſh, within four days after publick notice be given thereof for that purpoſe to all the pariſhoners by writing under the hand of the ſaid archbiſhop of Armagh, to build a new church in ſome more convenient place in the ſaid pariſh as they ſhall think fit, the land for the church and church-yard being firſt conveyed by the proprietor of ſuch place to the rector or miniſter of the ſaid pariſh and his ſucceſſors for ever; and that it ſhall and may be lawful for ſuch proprietor, and he or ſhe is hereby enabled, to ſet out, grant, and convey a ſufficient parcel of ground, not exceeding one acre and a half of plantation meaſure, to the rector or miniſter of the ſaid pariſh and his ſucceſſors, in truſt and for the uſe of the ſaid pariſh, who is hereby enabled to take and receive a grant of the ſame to him and his ſucceſſors for ever; any ſettlement, law, or act of Parliament to the contrary hereof in any wiſe notwithſtanding: and if the church-wardens and

The land conveyed by proprietor (not above an acre and half) to rector and his ſucceſſors, notwithſtanding any ſettlement, &c.

major

major part of the pariſhioners ſhall not within the ſpace of three years after the firſt day of November one thouſand ſeven hundred and nine agree upon ſome place to build the ſaid church on, the archbiſhop of the dioceſs for the time being, with the conſent of the proprietor of the land where the ſaid church is to be built on, ſhall appoint a place for building the ſaid church in the ſaid pariſh in the center of the ſaid pariſh, or as near thereunto as conveniently may be; the ſtatute of mortmain, or any act of Parliament, law, or ſettlement, to the contrary hereof in any wiſe notwithſtanding: and the ſaid church, when built and conſecrated, ſhall for ever remain, be deemed and reputed, the true and only pariſh-church of the ſaid pariſh of Derrynooſe to all intents and purpoſes whatſoever.

A. D. 1709. Chap. 13.

If in three years a place not agreed on, archbiſhop to appoint near the centre, with conſent of owner, deemed the true pariſh church.

V. And whereas the pariſh-church of Killevy in the ſaid dioceſs of Armagh is very inconveniently ſituated, and very remote from the inhabitants of the ſaid pariſh: be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the rector or incumbent, and church-wardens of the ſaid pariſh for the time being, by and with the conſent and approbation of the archbiſhop of Armagh for the time being under his hand and ſeal, and by the conſent of the major part of inhabitants thereof aſſembled at a veſtry to be held for that purpoſe, to build a new church in ſome more convenient place in the ſaid pariſh, as they ſhall think fit; the lands on which ſuch church ſhall be built, with a convenient church-yard, being firſt conveyed by the proprietor thereof to the rector or incumbent of the ſaid pariſh and his ſucceſſors for ever; and that it ſhall and may be lawful for the ſaid proprietor to convey and grant any quantity of land not exceeding one acre and half of plantation-meaſure; and the ſaid rector or incumbent is hereby enabled to take and receive ſuch grant of ſuch land for the uſe aforeſaid; the ſtatute of mortmain, or any act of Parliament, law, or ſettlement, to the contrary hereof in any wiſe notwithſtanding: and the ſaid church, when built and conſecrated, ſhall for ever remain, and be deemed and reputed, the true and only pariſh-church of the ſaid pariſh of Killevy to all intents and purpoſes whatſoever.

New church to be built in Killevy pariſh with like conſent, &c.

VI. And be it further enacted by the authority aforeſaid, That the precinct or territory of Tartaraghan in the county of Armagh ſhall from and after the firſt day of November in this preſent year of our Lord one thouſand ſeven hundred and nine for ever be a pariſh, by the name of the pariſh of Tartaraghan; and that there ſhall be for the ſaid pariſh a rector, church-wardens, a pariſh-clerk, and other uſual officers in ſucceſſion for ever, who ſhall perform the ſeveral and reſpective pariſh duties

Territory of Tartaraghan in Armagh made a pariſh, with a rector and uſual officers:

A. D. 1709. Chap. 13.

belonging to their reſpective offices; and ſhall have and receive the profits, benefits, priviledges, and advantages, uſually enjoyed with and of right belonging to ſuch offices in pariſhes.

and a church built with like conſent, &c.

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord archbiſhop of Armagh for the time being, with the conſent of the church-wardens and major part of the inhabitants of the ſaid pariſh in writing under their hands, at a veſtry to be held within four days after publick notice thereof given for that purpoſe, to build a new church in the centre of the ſaid pariſh, or as near thereunto as conveniently may be; the land for the church and church-yard being firſt conveyed by the proprietor of ſuch place to the rector or incumbent of the ſaid pariſh, and to his ſucceſſors for ever: and that it ſhall and may be lawful to and for any proprietor of lands within the ſaid pariſh, precinct, or territory of Tartaraghan, to grant and convey to the rector or incumbent of the ſaid pariſh, and to his ſucceſſors for ever, ſufficient ground, not exceeding two acres of plantation-meaſure, for building and making a church and church-yard; the ſaid grant and conveyance to be in truſt for, and for the benefit of, the inhabitants of the ſaid pariſh; and the ſaid rector or incumbent is hereby enabled to take ſuch grant or conveyance, the ſtatute of mortmain, or any other act of Parliament, law, or ſettlement, to the contrary thereof notwithſtanding: and the ſaid church, when built and conſecrated, ſhall be called, reputed, and remain the pariſh-church of the ſaid pariſh of Tartaraghan for ever; and that the ſaid church ſhall be built at the charge of ſuch pariſhioners on ſuch convenient part of the ſaid land, ſo to be purchaſed, as the ſaid rector, church-wardens, and major part of the inhabitants of the ſaid pariſh of Tartaraghan, aſſembled in veſtry, ſhall by writing under their hands appoint and direct.

Proprietor to convey not above 2 acres,

Alexander Shand the firſt rector.

VIII. And be it further enacted by the authority aforeſaid, That Alexander Shand clerk ſhall be the firſt rector of the ſaid rectory or pariſh of Tartaraghan; which ſaid rector and his ſucceſſors ſhall be ſubject to the viſitation and power of the ordinary of the dioceſs of Armagh, and of ſuch canons, rules, and laws eccleſiaſtical, as other rectors or pariſh-churches uſually are, and of right ought to be, ſubject and liable unto: and alſo that the ſaid rector, and pariſhioners of the ſaid pariſh, ſhall and may hold veſtries, and make rules and orders for the regulation and ordering of the ſaid pariſh, and for the reparations of the ſaid pariſh-church from time to time, and of all other matters incident to pariſhes, and in ſuch manner, as any other pariſh may or can do; which rules and orders ſo to be made ſhall have the

Subject to viſitation:

Power to hold veſtries.

ſame

ſame force and effect in law, as rules and orders made in other pariſhes have or ought to have.

IX. And whereas Francis Obre of Clantlew in the county of Armagh gentleman by his deed, bearing date the ſixteenth day of June one thouſand ſix hundred ninety eight, for the conſiderations therein mentioned, and in order to have the cure of the ſaid precinct or territory of Tartaraghan duly ſerved, did grant and convey unto the moſt reverend father in God Michael late lord archbiſhop of Armagh, and to his ſucceſſors for ever, to be employed to the ſervice of the cure of ſouls in the ſaid precinct or territory, all and ſingular the tythes great and ſmall, and other eccleſiaſtical dues, of the ſeveral town-lands of Clantlew, Breagh, Egliſh, Bullinery, Derrilee, Taghloge, Derriagh, and Derryene, lying and being in the ſaid precinct or territory, and belonging to him the ſaid Frances Obre, and of all other lands he had in the ſaid precinct or territory: may it pleaſe your moſt excellent Majeſty, at the humble requeſt of the moſt reverend father in God Narciſſus lord archbiſhop of Armagh, primate and metropolitan of all Ireland, that it may be enacted, and be it further enacted by the authority aforeſaid, That all and ſingular the ſaid laſt mentioned tythes and other eccleſiaſtical dues, ſo conveyed to the ſaid late archbiſhop, ſhall be, and the ſame are hereby veſted in the rector of the ſaid pariſh-church of Tartaraghan and his ſucceſſors, to the uſe of the ſaid rector and his ſucceſſors for ever.

Tithes, &c. granted by Francis Obre, veſted in ſaid rector and his ſucceſſors.

X. And be it further enacted by the authority aforeſaid, at the humble requeſt of the right honourable William lord viſcount Charlemount, and of Arthur Brownlow of Lurgan in the county of Armagh eſquire, that all and ſingular the tythes great and ſmall, and all other eccleſiaſtical dues being, ariſing, and renewing in the ſaid precinct or territory of Tartaraghan, whereof the ſaid William lord viſcount Charlemont and Arthur Brownlow, or either of them, are or is ſeized, poſſeſſed, or intituled unto, ſhall be, and the ſame are hereby veſted in the rector of the ſaid pariſh-church of Tartaraghan and his ſucceſſors, to the uſe of the ſaid rector and his ſucceſſors for ever; the ſtatute of mortmain, or any other act of Parliament, law, or any deed or ſettlement made by the ſaid lord viſcount Charlemont or Arthur Brownlow, or any of their or either of their anceſtors, to the contrary in any wiſe notwithſtanding.

And alſo tithes belonging to lord Charlemont and Arthur Brownlow.

XI. And be it further enacted by the authority aforeſaid, That the right of patronage of the rectory of Tartaraghan, and of preſentation to the ſame on the avoidance thereof, ſhall belong unto and be veſted in the ſaid William lord viſcount Charlemont and his heirs for the two firſt turns, and in the ſaid Francis Obre during

Preſentation thereto veſted in lord Charlemont for two turns,

the third in Francis Obre for life, and

A. D. 1709. Chap. 13.

ring his life, for a third turn, and after the deceaſe of the ſaid Francis Obre the right of patronage and collation to the ſaid rectory ſhall belong unto and be veſted in the ſaid archbiſhop of Armagh and his ſucceſſors for the ſaid third turn, then on the avoidance thereof, the right of patronage and preſentation ſhall belong unto and be veſted in the ſaid Arthur Brownlow and his heirs for another turn, and ſo by deſcent and in ſucceſſion reſpectively for ever.

afterwards in archbiſhop, then Arthur Brownlow, and ſo for ever.

A new pariſh church to be built in Arboe.

XII. And whereas the pariſh-church of Arboe in the ſaid dioceſs of Armagh is inconveniently ſituated, and remote from the proteſtant inhabitants and center of the ſaid pariſh, and frequently inacceſſible: be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the rector or incumbent and church wardens of the ſaid pariſh for the time being, by and with the conſent and approbation of the archbiſhop of Armagh for the time being, and patrons of the ſaid pariſh-church, under their hands and ſeals reſpectively, and by the conſent of the major part of the inhabitants thereof in writing under their hands, at a veſtry to be held within four days after publick notice given thereof for that purpoſe to all the pariſhioners by writing under the hand of the ſaid archbiſhop, to build a new church on the lands of Aghacollum, belonging to the rector of the ſaid pariſh of Arboe, near the center of the ſaid pariſh, or in ſuch other more convenient place in the ſaid pariſh, as they ſhall think fit; ſuch part of the ſaid land of Aghacollum being firſt ſet out by the ſaid rector, or ſuch other land on which ſuch church ſhall be intended to be built, with a convenient church-yard, being firſt conveyed by the proprietor thereof to the ſaid rector or incumbent, and his ſucceſſors for ever.

XIII. And in caſe it ſhall not be thought convenient by the lord archbiſhop, rector, church-wardens, and major part of the inhabitants to build the ſaid church on the ſaid land of Aghacollum; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any other proprietor of land within the ſaid pariſh, and his heirs, to convey to the ſaid rector or incumbent, and his ſucceſſors for ever, to and for the uſes and purpoſes herein laſt mentioned, any quantity of land not exceeding one plantation acre; and that it ſhall and may be lawful to and for ſuch perſons to take a grant thereof; the ſtatute of mortmain, or any act of Parliament, law, or ſettlement, to the contrary hereof in any wiſe notwithſtanding: and the ſaid church, when built and conſecrated, ſhall for ever remain, and be deemed and reputed the true and only pariſh-church of the ſaid pariſh of Arboe, to all intents and purpoſes whatſoever.

XIV. And

A. D. 1709. Chap. 13.

XIV. And to the intent that the ſaid ſeveral churches may be built, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſeveral rectors, church-wardens, and major part of the inhabitants of the ſaid ſeveral pariſhes reſpectively at the reſpective veſtries, to be held in the ſaid pariſhes reſpectively, to applot and ceſs ſuch reaſonable ſums on the ſeveral inhabitants thereof reſpectively, as they ſhall think neceſſary for the ſeveral purpoſes aforeſaid, to be recovered as ceſſes for reparation of churches in this kingdom are uſually: ſaving to the Queen's moſt excellent Majeſty, her heirs and ſucceſſors, and to all bodies politick and corporate, and all other perſons whatſoever, except the ſaid lord viſcount Charlemont, the ſaid Arthur Brownlow, and the ſaid Francis Obre, and their heirs, and all perſons claiming any right, title, or intereſt, by vertue of or under any ſettlement or deed made by the ſaid lord viſcount Charlemont or Arthur Brownlow, their, or either of their anceſtors, all ſuch right, title, claim, or demand, which they or any of them may have to the ſaid tithes or eccleſiaſtical dues, as if this act had not been made.

Money to be applotted at veſtries in ſaid ſeveral pariſhes for ſaid purpoſes.

Saving the right of others.

XV. And be it further enacted by the authority aforeſaid, That this act ſhall be taken and deemed a publick general act by all perſons whatſoever, and as ſuch ſhall paſs without payment of any fees whatſoever.

This a publick act.

A. D. 1710.

THE NINTH YEAR OF ANNE.

CHAP. I.

An Act for the better ſecuring to her Majeſty the payment of ſuch duties as ſhall be granted to her Majeſty this ſeſſion of Parliament.

WHEREAS by one act made the laſt ſeſſion of this Parliament, intituled, *An Act for granting to her Majeſty an additional duty on beer, ale, ſtrong-waters, tobacco, callicoes, linnens, and other goods and merchandizes, and alſo a duty on rock-ſalt*, it is enacted, "That from and after the twenty fourth day of June one thouſand ſeven hundred and nine there ſhall be throughout the kingdom of Ireland raiſed, levied, collected, and paid, by way of exciſe to her Majeſty, her heirs and ſucceſſors, during the ſpace of one year commencing the twenty fifth day of June one thouſand ſeven hundred and nine, and ending the twenty fourth day of June which will be in the year of our Lord one thouſand ſeven hundred and ten, for and upon all beer, ale, *aqua vitæ*, and ſtrong-waters, to be made or brewed in this kingdom for ſale, and upon all tobacco and muſlins, and upon ſilks or ſtuffs made or manufactured in Perſia, China, or the Eaſt-Indies, the ſeveral 8 *Anne* 2.

A. D. 1710. Chap. I.

14 & 15 C. 2. c. 8. & 9.

"several rates and duties in the said recited act mentioned, over and above all "other duties payable for the same by virtue of an act made in this kingdom in "the fourteenth year of the reign of King Charles the second, intituled, *An act* "*for settling of the excise or new impost upon his Majesty, his heirs and successors, ac-* "*cording to the book of rates therein inserted*; or by virtue of one other act made in "the said fourteenth year of the reign of the said King Charles, intituled, *An* "*act for settling the subsidy of poundage, and granting a subsidy of tunnage, and other* "*sums of money unto his royal Majesty, his heirs and successors, the same to be paid* "*upon merchandizes imported and exported into or out of this kingdom of Ireland, ac-* "*cording to a book of rates hereunto annexed*," as by the said recited act may more at large appear; which several duties in the said recited act mentioned will expire upon the said twenty fourth day of June one thousand seven hundred and ten: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by authority of the same, That it shall and may be lawful to and for the commissioners, collectors, and other officers of her Majesty's revenue, to keep an account of the several rates and duties in the said recited act mentioned, and seize, stop, and in their custody to keep, all tobacco, muslins, silks, and stuffs made or manufactured in Persia, China, or the East-Indies, which shall be imported into this kingdom from and after the said twenty fourth day of June one thousand seven hundred and ten, until the end of this present session of Parliament, unless the owners or proprietors of such goods, their agents, factors, or servants, shall give good and sufficient security by bond to her Majesty in double the value of the goods so imported, conditioned to be void on such persons paying, or causing to be paid, all such excise and duties as are or shall be due to her Majesty for the said goods so imported by force and virtue of any act or law to be passed in this session of Parliament, over and above the hereditary excise or duties due to the crown out of the same by virtue of any former law of force in this kingdom.

CHAP. II.

An act for granting to her Majesty an additional duty on beer, ale, strong-waters, tobacco, and other goods and merchandizes.

WE your Majesty's most dutiful and loyal subjects the commons of Ireland in Parliament assembled, having a most grateful sense of the many and great blessings we enjoy under your Majesty's most glorious and auspicious reign, and of your Majesty's tender care of our welfare and preservation, and being firmly perswaded that we cannot more effectually contribute to the strengthening and securing the protestant interest of this kingdom against all foreign and domestick enemies, than by granting a supply towards the enabling your Majesty to make good the several applications made to your Majesty by the house of commons the last session of Parliament, and also by supplying and making good the necessary branches of your establishment, have carefully, readily, and unanimously given and granted, and do hereby give and grant, to your Majesty the several rates and additional duties of excise herein after mentioned, and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by authority of the same, That from and after the twenty fourth day of June one thousand seven hundred and ten there shall be throughout this your Majesty's kingdom of Ireland raised, levied, collected, and paid to your Majesty, your heirs and successors, during the space of one year and a half commencing the twenty fifth day of June one thousand seven hundred and ten, and ending the twenty fourth day of December which will be in the

the year of our Lord God one thouſand ſeven hundred and eleven, for and upon all beer, ale, *aqua vitæ*, and ſtrong waters or ſpirits, that ſhall be brewed or made within this kingdom for ſale, and upon all tobacco and muſlins, and upon ſilks and ſtuffs made or manufactured in Perſia, China, or the Eaſt-Indies, the ſeveral rates and duties herein after mentioned; that is to ſay, for every thirty two gallons of beer or ale of above ſix ſhillings the barrel price, brewed within this kingdom by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, one ſhilling and ſix pence, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity; for every thirty two gallons of beer or ale of ſix ſhillings the barrel or under, brewed within this realm by the common brewer or in his veſſels, or by any other perſon or perſons who doth or ſhall ſell or tap out beer or ale publickly or privately, three pence, to be paid by the common brewer, or ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity: for every gallon of *aqua vitæ*, ſtrong-water, or ſpirits, made or diſtilled within this realm for ſale, the ſum of three pence, to be paid by the firſt maker or diſtiller thereof: for every pound weight of tobacco imported during the time aforeſaid into this realm, three pence half-penny: for every yard of muſlin imported into this kingdom, the ſum of ſix pence: and for every yard of all ſilks and ſtuffs made or manufactured in Perſia, China, or the Eaſt-Indies, imported into this kingdom during the time aforeſaid, the ſum of one ſhilling and ſix pence.

II. And be it further enacted by the authority aforeſaid, That the ſaid ſeveral duties, rates, and impoſitions hereby granted and charged as well upon beer, ale, ſpirits, *aqua vitæ*, and ſtrong waters, as upon tobacco, muſlins, ſilks and ſtuffs, ſhall be raiſed, levied, collected, and paid to her Majeſty, her heirs and ſucceſſors during the time aforeſaid, over and above all other duties payable for the ſame by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; or by virtue of one other act made in the ſaid fourteenth year of the reign of the ſaid King Charles, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed.* 14 & 15 C. 2. 8 & 9.

III. And be it further enacted by the authority aforeſaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauſes, matters, and things, which in and by the ſaid act of Parliament, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, are provided, ſettled, or eſtabliſhed for raiſing, levying, collecting, recovering, adjudging, or aſcertaining the duties thereby granted, ſhall be exerciſed, practiſed, applied, uſed, levied, recovered, and put in execution for the raiſing, levying, collecting, recovering, and paying all and ſingular the duties and impoſitions by this act granted and impoſed upon the ſeveral liquors and other commodities herein mentioned and expreſſed, as fully and effectually to all intents and purpoſes as if all and every of the ſaid powers, authorities, rules, directions, methods, penalties, forfeitures, matters, clauſes, and things were particularly repeated and again enacted in the body of this preſent act, with the like liberty to appeal to and for the party grieved, as in and by the ſaid act of exciſe is provided.

IV. And be it further enacted by the authority aforeſaid, That the ſeveral ſums hereafter mentioned be paid out of the aforeſaid additional duties and aids to the perſons hereafter named: that is to ſay, two hundred pounds *ſterling* to Thomas Tilſon the elder, clerke of the houſe of commons, one hundred and fifty pounds *ſterling* to Thomas Tilſon the younger, another of the clerks of the houſe of com-

A. D. 1710.

monis, two hundred pounds *ſterling* to Bruen Worthington, clerk aſſiſtant, two hundred pounds *ſterling* to Richard Povey, ſerjeant at arms attending the commons, one hundred and fifty pounds *ſterling* to Daniel Golburne, the clerk attending the committee of accounts and other committees, and fifty pounds *ſterling* to George Spike, door-keeper of the commons, as rewards for their ſeveral ſervices and attendance this ſeſſion of Parliament, and alſo the ſum of one hundred pounds *ſterling* to Enoch Sterne, another of the clerks attending the committees, as a reward for his ſervice and attendance this ſeſſion and three former ſeſſions of Parliament; which ſaid ſeveral ſums are to be paid by the vice-treaſurer or receiver-general of this kingdom, without any further or other warrant to be ſued for, had, and obtained in that behalf.

CHAP. III.

An act to enforce ſuch acts as have been made for the improvement of the linnen-manufacture, and for a further regulation of the ſame.

Repealed 19 G. 2. 6.

FORASMUCH as the flaxen and hempen manufacture is found to be in a declining condition, notwithſtanding the ſeveral acts of Parliament made in this kingdom for the encouragement and improvement thereof, more eſpecially an

8 *Anne* 2. act made in the laſt ſeſſion of this preſent Parliament, intituled, *An act for granting to her Majeſty an additional duty on beer, ale, ſtrong-waters, tobacco, callicoes, linnens, and other goods and merchandizes, and alſo a duty on rock ſalt*: and whereas the ſeveral acts of Parliament have not anſwered the ſaid purpoſes, for which they were intended, chiefly becauſe the ſaid encouragements ſo granted have not been put under any juſt regulation or management: and whereas a duty on all white, painted, and ſtained callicoes, and all ſorts of linnen, which ſhall be imported into this kingdom at any time within the ſpace of one year, which commenced the twenty fifth of June one thouſand ſeven hundred and nine, is to continue by the ſaid act until the twenty fifth of June one thouſand ſeven hundred and ten, and from thence to the end of next ſeſſion of Parliament, and no longer: and whereas the future improvement of the ſaid hempen and flaxen manufacture depends in a great meaſure upon the continuance of that duty, and a juſt diſtribution of it, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That all white, painted, and ſtained callicoes, and all ſorts of linnen, which ſhall be imported into this kingdom at any time within the ſpace of ſeven years commencing from the end of the next ſeſſion of Parliament, and from the expiration of the ſaid term of ſeven years to the end of the then next ſeſſion of Parliament enſuing, ſhall anſwer and pay unto her Majeſty the ſeveral rates and duties following: that is to ſay, one ſhilling and ſix pence *per* yard for every yard of white, painted, and ſtained callicoes, which ſhall be imported into this kingdom within the times aforeſaid; and ſix pence *per* yard for every yard of any ſort of linnen, which ſhall be imported into this kingdom during the time aforeſaid; the ſaid ſeveral duties to be raiſed, levied, collected, and paid to her Majeſty, her heirs and ſucceſſors, during the reſpective times aforeſaid, over and above all other duties payable for the ſame, by virtue of an act made in this kingdom in the four-

14 & 15 *C.* 2. 8 & 9. teenth year of the reign of King Charles the ſecond, intituled, *An act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; and by virtue of one other act made in the ſaid fourteenth year of the reign of the ſaid King Charles, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money, unto his royal Majeſty his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of this kingdom of Ireland, according to a book of rates thereunto annexed.*

II. And be it further enacted by the authority aforeſaid, That the aforeſaid reſpective duties laid and impoſed by this act on all white, painted, and ſtained callicoes, and other ſort of linnen, which ſhall be imported into this kingdom after the end of next ſeſſion of Parliament for the ſpace of ſeven years, and from thence until the end of the then next ſeſſion of Parliament enſuing, ſhall be applied to the uſe of the hempen and flaxen manufactures in this kingdom, and to no other uſe whatſoever.

III. And that the duties may effectually anſwer the purpoſes, for which they are intended, be it further enacted by the authority aforeſaid, That the lord lieutenant, or other chief governor or governors of this kingdom for the time being, ſhall and may, and is hereby enabled to nominate and appoint certain truſtees for the diſpoſal and management of the ſaid duties, according to the truſts and powers herein after veſted in them, to conſiſt of an equal number of perſons out of each of the four provinces of this kingdom.

IV. And be it further enacted by the authority aforeſaid, That the ſeveral ſums of money, ariſing from the ſaid duties ſo granted, ſhall from time to time be paid by the vice-treaſurer or the receiver-general of this kingdom to the truſtees by warrant under their hands, or the hands of the major part of them preſent, ſuch majority not being leſs than five in number, which ſhall be appointed purſuant to this act, without any further or other warrant to be ſued for, had, or obtained in that behalf.

V. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or the major part of them as aforeſaid, ſhall and may from time to time, as often as they ſhall think fit, meet and aſſemble together in ſome convenient place, to ſettle and adjuſt ſuch matters as may be moſt reaſonable and conducive to the eſtabliſhing and carrying on the ſaid manufactures in this kingdom, and for preventing all abuſes that may happen in the ſame.

VI. And foraſmuch as the hempen manufacture of this kingdom deſerves a due encouragement; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid truſtees, or the major part of them as aforeſaid, and they are hereby required to apply annually, during the continuance of the ſaid duties, one moiety of the money ſo ariſing from them, to the advancement and carrying on the ſaid hempen manufacture of this kingdom; and alſo, that it ſhall and may be lawful to and for the ſaid truſtees, or the major part of them, and they are hereby required to apply the other moiety of the money, ſo ariſing from ſuch duties, to the improvement and encouragement of the flaxen manufacture in this kingdom.

VII. And be it further enacted by the authority aforeſaid, that the ſaid truſtees, or the major part of them, ſhall and may appoint a clerk, door-keeper, and other neceſſary ſervants to attend them, and aſcertain and direct proper ſalaries for the ſaid clerk, door-keeper, and other ſervants reſpectively, not exceeding in the whole the ſum of one hundred pounds *per annum*, to be paid out of the ſaid duties granted as aforeſaid; and that the ſaid truſtees, or the major part of them, ſuch majority not being under ſeven in number, ſhall and may enter into any contract or contracts with any perſon or perſons, that they or the major part of them as aforeſaid ſhall judge proper, for the carrying on of the ſaid hempen and flaxen manufacture.

VIII. And to the intent that every buyer of cloth may know the exact number of threads in the breadth or warp of all linnen cloth, and thereby judge of the goodneſs thereof; be it further enacted by the authority aforeſaid, That from and after the firſt day of January in the year of our Lord one thouſand ſeven hundred and eleven every weaver ſhall be obliged on the penalty of five ſhillings, at the end of every piece of cloth he ſhall weave, except diapers, damaſks, and hugabacks, to run a very courſe thread coloured with black and oyl through every two hundred threads of the warp of the ſaid cloth, ſo as to diſtinguiſh the number of hundred of threads in the breadth of the ſaid cloth; and alſo another coarſe coloured thread as aforeſaid to be run within leſs than one quarter of an inch of the former in like manner, through every forty threads of the warp of the ſaid cloth, ſo as to diſtinguiſh the

A. D. Chap. 3. 1710.

the number, beers, or ſcores, of threads in the breadth of the ſaid cloth; and in caſe any weaver ſhall ſo mark his cloth with the coloured thread in ſuch manner as aforeſaid, to make them appear to be one hundred or more threads than they really are, to forfeit twenty ſhillings for every piece ſo made; the ſaid ſeveral penalties to go to the informer, and to be levied by warrant under the hand and ſeal of any one juſtice of the peace on the goods and chattles of the perſon offending, by diſtreſs and ſale.

4 *Anne* 4. IX. And foraſmuch as many of your Majeſty's faithful ſubjects of this kingdom, who have applied their induſtry to deal in the linnen trade, are greatly diſcouraged therein by the not executing of the ſtatute made in this kingdom in the ſecond year of your Majeſty's reign, intituled, *An act for the improvement of the hempen and flaxen manufactures in this kingdom*; for remedy whereof, be it further enacted by the authority aforeſaid, That in caſe any juſtice of the peace or chief magiſtrate of any corporation in this kingdom within the limits of their reſpective juriſdictions and authority ſhall neglect or refuſe to execute the ſaid ſtatute, or in the execution thereof ſhall fail of purſuing of the intent and meaning of the ſaid ſtatute to the diſcouragement of the informer, or to the wilful detriment or prejudice of the party informed againſt; that then and in ſuch caſe it ſhall and may be lawful to and for the party or parties aggrieved to make his or their appeal or appeals to the next going juſtice or juſtices of aſſize of that circuit, who ſhall by the authority of this act be enabled and required to examine in open court into the truth of the allegations of all and every the parties as to the rights and intereſts of the parties litigant, and to make ſuch final judgment, order, and decree therein, as to ſuch juſtice or juſtices of aſſize ſhall ſeem meet and reaſonable for the furtherance of the ends and purpoſes of the ſaid ſtatute: and as for and concerning the conduct and behaviour of the juſtice of the peace or chief magiſtrate of any corporation within the limits of their reſpective juriſdictions and authorities in relation to the execution of the ſaid act, and within the counties whereunto the ſaid juſtice or juſtices of aſſize are commiſſionated or appointed, in caſe the ſaid juſtice of the peace or chief magiſtrate do appear on ſuch examination as aforeſaid in open court evidently to have neglected or otherwiſe to have abuſed the authority to him given by the ſaid act, that then it ſhall and may be lawful to and for the ſaid juſtice or juſtices of aſſize; and he or they are hereby required, to impoſe a fine not exceeding five pounds on ſuch juſtices of the peace or chief magiſtrate, according to the nature of ſuch offence, in order to deter others from neglecting or abuſing their authorities in like occaſions; the ſaid fine to go to the informer, and to be recovered by civil bill.

X. And whereas the linnen cloth of this kingdom is under ſome diſreputation abroad by reaſon of their not containing the ſame breadths and lengths, for which they are ſold: and whereas the merchants who export the linnen cloth of this kingdom do not know what appellations or names to give the ſaid cloth whereby to diſtinguiſh them, which is a diſadvantage to the ſaid cloths: be it therefore enacted by the authority aforeſaid, That every piece of linnen cloth of one yard and a quarter in breadth, containing at the leaſt twenty four yards in length, ſhall be called by the name of Ulſter's: every piece containing one yard and half a quarter in breadth, and at the leaſt twenty four yards in length, to be called by the name of Lurgan's: every piece of linnen containing one yard in breadth, and at the leaſt twenty yards in length, to be called by the name of Lilburne's: every piece of linnen containing three quarters and a half in breadth, and at the leaſt twenty yards in length, to be called by the name of Colleraine's: every piece of linnen containing three quarters and a nail in breadth, and at the leaſt twenty yards in length, to be called Antrim's: every piece of linnen containing three quarters in breadth, and at the leaſt twenty yards in length, to be called Dungannon's: every piece of linnen containing half a yard and half a quarter in breadth, and at the leaſt thirty yards in length, to be called Munſter's: that every perſon, who ſhall expoſe any cloth to ſale under any of the denominations before mentioned, ſhall make on a parchment label appending to the ſaid cloth the name of the ſaid cloth, and

and the number of yards, and the breadth thereof, for which he is to be anſwerable, as alſo the length and breadth of every piece of diapers, and every piece of canvas of the ſeveral ſorts mentioned in the act for the further improving the ſaid manufacture. A. D. 1710.

XI. And whereas by an act, intituled, *An act to amend the defects of ſuch acts as have been made relating to the hempen and flaxen manufactures, and to encourage the further improvement thereof*; an encouragement was intended to be given to the exporter of ſail cloth, yet by miſtake in the ingroſſing or tranſcribing the ſaid act, a premium of one penny *per* yard for every yard of ſail-cloth of ten pence *per* yard value, and under fourteen pence exported; and a premium of two pence *per* yard for every yard of main-ſail or coarſe canvas, in imitation of Holland-duck, of the value of fourteen pence or more, was given to the importer inſtead of the exporter thereof; be it enacted by the authority aforeſaid, That the ſaid ſeveral premiums by the ſaid act expreſſed to be given to the importer ſhall be given to the exporter, and not to the importer of ſuch ſail-cloth. 8 *Anne* 12.

CHAP. IV.

An Act for bringing an appeal in caſe of murder, notwithſtanding the ſtatute of the tenth of King Henry the ſeventh, whereby murder is made high treaſon.

WHEREAS by an act of Parliament made in this kingdom, in the tenth year of the reign of King Henry the ſeventh, intituled, *An act whereby murder of malice prepence is made treaſon*; a doubt has ariſen, whether any appeal of murder ſince making the ſaid act can or may be brought by the ſubjects of this realm, and others, as the ſame might have been brought before making the ſaid act, by reaſon whereof many murders have eſcaped unpuniſhed: for clearing of which doubt, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That nothing in the ſaid act ſhall from henceforth be taken, conſtrued, or intended to barr or take away the right of any perſon or perſons from bringing appeals of murder; but that ſuch appeals of murder ſhall and may from henceforth be had and brought, and ſuch proceſs, proceedings, and judgment, ſhall and may be thereupon had and given, as might have been brought, had, made, and given at or before making of the ſaid act; the ſaid ſtatute, or any thing therein contained, to the contrary in any wiſe notwithſtanding. 10 *H.* 7. 21. not to bar appeal of murder.

A. D. 1710.

CHAP. V.

An Act for the further explaining and putting in execution An act for planting and preserving timber trees and woods.

10 *Wil.* 3. 12. *recited.* 2 *Anne* 2. 4 *Anne* 9. 8 *G.* 1. 8.

WHEREAS by an act of Parliament passed in this kingdom, in the tenth year of the reign of our late sovereign lord King William the third of glorious memory, intituled, *An Act for planting and preserving timber trees and woods*, it is enacted,

"That for ascertaining the number of trees by the said act appointed to be planted in each county, the grand jury at the summer-assizes in the year one thousand seven hundred and two should apportion the number of trees to be planted within such county on each respective barony therein, and also subdivide the proportion of each barony into several parishes therein; and that the respective high constables should certifie and deliver to the minister and church-wardens of each parish the number of trees presented by the grand jury to be planted within such parish, to the intent that the minister and church-wardens should summon a vestry of the said parish, to agree and adjust what number of trees should be the proportion of each person within the said parish, or having or holding any land therein;" as by the said act, relation being thereunto had, may more fully appear: now forasmuch as the methods, prescribed by the said act for proportioning the number of trees to be planted within each parish, either have not been duly observed, or at least have not answered the good intent and meaning of the said act: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by authority of the same, That the several and respective clerks of the crown within this kingdom shall within forty days next after the end of each circuit deliver, or cause to be delivered, under their hand to the high constable of each barony in every county of this kingdom within their respective circuits, a true copy of the subdivision and apportionment as aforesaid of the number of trees to be planted in the several parishes of such respective barony, the several clerks of the crown taking and receiving for every such certificate, as a fee for so doing, the sum of twelve pence for each parish, and no more; and that the respective high constables within one kalendar month after their receiving such subdivisions and apportionments as aforesaid, shall certify and deliver to the minister and church-wardens of each parish within their respective barony, under their hands, the number of trees presented by the said grand jury to be planted within such parish, taking as fee for so doing six pence, and no more; and that the minister and church-wardens within one month after delivery of such certificate to them as aforesaid shall summon a vestry of the said parish, and shall there agree and adjust what number of trees shall be the proportion of each person by name within such parish respectively, or having or holding any land therein, and shall cause the same to be fairly ingrossed and entered in a book or books, for that purpose to be provided by the minister and church-wardens of each parish respectively, to be deposited and lodged in the vestry with the respective church-wardens, that the inhabitants of the parish may have recourse thereunto and a view thereof without any fee or reward; all which several sums of money to be paid as aforesaid to the clerk of the crown and high constables of baronies, as fees for their certificates, and the money to be laid out in providing books to be lodged in the vestries as aforesaid, shall be done at the charge of each parish, and shall be applotted, levied, and raised on the inhabitants of each respective parish in such manner, as other parish dues for repairing of churches

The methods therein, for proportioning the number of trees in each parish, not observed, *&c.*

Clerks of crown in 40 days after circuit to deliver to each high constable a copy of apportionment of trees in the several parishes:

Fees 12 d. each parish:

High constables in a month to certify to the ministers, *&c.*

Fee 6 d.

At vestry in a month after, the proportion of each person adjusted, and entered in a book.

churches are applotted, levied, and raiſed; and if the clerks of the crown or high conſtables, or the miniſter and church-wardens aforeſaid, or any of them, ſhall omit or neglect to do what they are ſeverally and reſpectively hereby required to do and perform, the perſon or perſons ſo failing or neglecting to do what is by this act required on his or their parts to be done and performed ſhall for every ſuch failure or neglect forfeit the ſum of forty ſhillings, to be recovered by civil bill at the aſſizes by ſuch perſon or perſons who ſhall proſecute and ſue for the ſame.

Penalty for neglect 40 s. to proſecutor by civil bill.

II. And whereas by the not agreeing and duly adjuſting what number of trees each perſon by name ſhould plant in their reſpective pariſh, ſeveral penalties and forfeitures are already incurred, which if duly exacted might tend to the great damage of many poor people: be it enacted by the authority aforeſaid, That all penalties and forfeitures already incurred by any perſon or perſons whatſoever, for not planting any ſort, number, or quantity of trees required by the ſaid act, or any other act paſt in this kingdom, intituled, *An act for explaining and putting in execution an act for planting and preſerving timber trees and woods, and for explaining and putting in execution an act to avoid and prevent diverſe miſdemeanors in idle and lewd perſons in barking of trees*; be remitted, and by vertue of this act they are hereby remitted and diſcharged.

Penalties for not planting as by ſaid act, and 4 *Anne* 9, *&c.* diſcharged,

III. And be it further enacted by the authority aforeſaid, That every perſon or perſons that are obliged by the aforeſaid acts to plant any number or quantity of trees, which they have not already planted, ſhall have further time till the twenty fifth day of March one thouſand ſeven hundred and twelve for planting the ſame, within which time they ſhall plant the ſame, on pain to forfeit as by the ſaid former acts they were to forfeit.

and time given to 25 March 1712.

IV. Provided always, and be it further enacted by the authority aforeſaid, That all trees, hereafter to be planted purſuant to the ſeveral acts herein before mentioned, be planted out of nurſeries only, and not from woods and other places as have been too frequently practiſed, to the deſtruction of woods and timber: and in caſe any perſon or perſons do or ſhall plant otherwiſe than as is hereby directed and required, he or they ſo planting ſhall, for every tree or trees ſo planted from the woods, forfeit the ſum of two pence for each tree, to be recovered in a ſummary way by civil bill at the aſſizes by ſuch perſon or perſons, who ſhall proſecute or ſue for the ſame.

Trees to be planted out of nurſeries only,

Penalty 2 d. each tree, by civil bill.

V. And whereas the cutting and uſing gads or withs is found to be very deſtructive to all young plantations of woods: be it further enacted by the authority aforeſaid, That any perſon or perſons, who ſhall from and after the firſt day of September one thouſand ſeven hundred and eleven cut or make uſe of any gads or withs on his or their plows, carrs, carts, harneſs, tackle, or otherwiſe; or in whoſe cuſtody or poſſeſſion any gads or withs ſhall be had or found, either ſelling or uſing the ſame, ſhall for every gad or with ſo cut, uſed, or found, forfeit the ſum of two pence, to be immediately paid to the informer by the ſaid offender or offenders after ſuch information made or given; and if the ſaid offender or offenders ſhall refuſe immediately to pay the ſame, that then the next juſtice of the peace, or other chief magiſtrate within any town or corporation, is hereby impowered and required, by his or their warrant, to cauſe the ſame to be levied of the goods of the offender or offenders, rendring the overplus to the owner, if any be; and if it ſhall happen that there

4 *Anne* 9. 2 *G.* 1. 16. Perſons cutting or uſing, *&c.* gads or withs,

Penalty 2 d. each, to informer:

on refuſal, levied by warrant of next magiſtrate:

A. D. 1710.

there is no juſtice of the peace or other chief magiſtrate, on or near the place where ſuch gad or gads, with or withs, is or are found or ſeized, that then it ſhall and may be lawful to and for the conſtable of the pariſh, and he is hereby required, where the ſaid information ſhall be made, to demand the payment of the penalty and penalties hereby impoſed for the uſing ſuch gad or gads, with or withs; and if the perſon or perſons, with whom ſuch gad or gads, with or withs, ſhall be found, ſhall refuſe or neglect to make ſuch payment as is aforeſaid, that then and in that caſe ſuch perſon or perſons ſo offending ſhall be carried before the next juſtice of the peace, who is hereby impowered and required to levy double the ſum hereby directed for ſuch offence, by ſale of the goods of the offender as before directed; and in caſe no ſuch goods or diſtreſs can be found of ſuch offender, then and in ſuch caſe ſuch juſtice of the peace ſhall and is hereby required by warrant under his hand and ſeal to direct and require the petty conſtable of the next pariſh, wherein there is a market-town, to whip ſuch offender through the market of ſuch town, between the hours of ten and twelve in the day time, until the blood ſhall come.

if none near, conſtable to carry offender before next juſtice, to levy double:

in default of diſtreſs, whipped.

21 *G.* 2. 13. *Toll for uſing gads.*

VI. Provided always, That nothing herein contained ſhall extend or be conſtrued in any manner to affect or charge in any wiſe whatever any perſon or perſons, who in obedience to the forementioned acts for planting and preſerving timber, trees, has complyed with the ſeveral directions in the ſaid acts required.

This act not to affect thoſe who complied with the former acts for planting and preſerving.

VII. Provided always, That no perſon or perſons ſhall be impeached, moleſted, or proſecuted for any offence beforementioned in this act, unleſs the offender or offenders therein be proſecuted within one month after the offence committed; and that this act be read at every aſſizes and ſeſſions.

Proſecution to be in a month.

This act read at aſſiſes and ſeſſions.

CHAP. VI.

An Act for taking away the benefit of clergy in certain caſes; and for taking away the book in all caſes; and for repealing part of the ſtatute for tranſporting felons.

FORASMUCH as when any perſon is convicted for any felony within the benefit of clergy, upon his prayer to have the benefit thereof allowed to him, it hath been accuſtomed to adminiſter a book to him, to try whether he can read as a clerk; which by experience is found to be of no uſe: be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of

of the ſame, That from and after the laſt day of September in this preſent year one thouſand ſeven hundred and ten, if any perſon be convicted of any ſuch felony, for which he ought to have the benefit of his clergy, and ſhall pray to have the benefit of this act, he ſhall not be required to read; but without any reading ſhall be allowed, taken, and reputed to be and puniſhed as a clerk convict, which ſhall be as effectual to all intents and purpoſes, and be as advantageous to him, as if he had read as a clerk; any other law or ſtatute to the contrary notwithſtanding. A. D. 1710. Chap. 6.

Convict of felony for which clergy allowed, not required to read. 5 *Anne* 6. *ſect.* 4. *Eng.*

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall after the ſaid laſt day of September unlawfully have carnal knowledge of any female child under the age of twelve years, though with her conſent, every ſuch fact ſhall be deemed and taken to be felony; and the offenders therein being duly convicted, ſhall ſuffer as a felon, without having the benefit of the clergy, or of this act.

Carnal knowledge of female under twelve, tho' with conſent, felony without clergy. 18 *Eliz.* 7. *ſect.* 4. *Eng.*

III. And be it further enacted by the authority aforeſaid, That if any perſon ſhall after the ſaid laſt day of September ſteal, or feloniouſly take away any goods of the value of five ſhillings, or more, out of any dwelling-houſe or ſhop, or out of any ſtable or coach-houſe, or booth in any fair or market, or privily and ſecretly from the perſon of any man or woman; or ſhall feloniouſly ſteal any cow or cows, bull or bulls, ox or oxen, or any ſteer or ſteers, heifer or heifers, calf or calves, or any ſheep or lambs, above the value of one ſhilling, and being indicted or appealed thereof, ſhall be thereupon found guilty by verdict of twelve men, or ſhall confeſs the ſame on his, her, or their arraignment, or will not anſwer directly according to the laws of this kingdom, or ſhall wilfully or of malice ſtand mute, or ſhall peremptorily challenge above the number of twenty jurors, or ſhall be outlawed on the ſame indictment, and alſo all and every perſon and perſons who ſhall be acceſſary before or after to any of the aforeſaid reſpective facts, they and every the aforeſaid reſpective criminals ſhall receive judgment, and ſuffer the pains of death, without any allowance or benefit of the clergy, or of this act; any law, cuſtom, or uſage, to the contrary notwithſtanding.

Stealing goods value 5 s. out of dwelling-houſe, ſhop, booth, &c. or privily from the perſon, or cows, &c. above 1 s. and acceſſaries before and after, ouſted of clergy.

IV. Provided always, and be it further enacted by the authority aforeſaid, That where any perſon or perſons after the ſaid laſt day of September in this preſent year of our Lord one thouſand ſeven hundred and ten ſhall be lawfully convicted of the ſtealing of cows, bulls, oxen, ſteers, or heifers, not exceeding the number of two, or of the ſtealing of calves, ſheep, or lambs, not exceeding the number of ten, on all the indictments that ſhall be preferred againſt ſuch perſon or perſons at one and the ſame

Convict of ſtealing cows, &c. not above two, or calves, &c. not above ten, on all indictments at ſame aſſiſes, if on application

A. D. 1710. Chap. 6.

ſame aſſizes or ſeſſions of Oyer and Terminer, or goal delivery, or in the ſame term in her Majeſty's court of Queen's-bench, that in caſe the juſtice or juſtices, before whom ſuch perſon or perſons ſhall be convict, ſhall, upon the application of the grand jury of the county at the ſaid term, aſſizes, or ſeſſions, by preſentment in writing for that purpoſe, think him or them fit objects of mercy, that then and in ſuch caſe he, ſhe, or they, that ſhall be ſo convict, ſhall be burned in the hand only; and after ſuch burning in the hand ſuch perſon and perſons ſhall be forthwith enlarged and delivered out of priſon, unleſs ſuch juſtice or juſtices ſhall for further correction think it convenient to detain him, her, or them in priſon for ſome longer time; which ſuch juſtice or juſtices, by rule of court or warrant under his or their hands, are hereby impowered to do, not exceeding one year's impriſonment; any law, uſage, or cuſtom, to the contrary notwithſtanding.

Of grand jury thought by court object of mercy, burned in hand only, and enlarged or detained in priſon not above a year. 11, 12, 13 *J.* 1. 3. 3 *G.* 2. 4.

V. And foraſmuch as ſuch men who have once had the benefit of clergy, and ſuch women as once had the benefit of the ſtatute made in the ninth year of the reign of King William, intituled, *An act for taking away the benefit of clergy in ſome caſes*, may happen to be indicted for an offence committed afterwards: be it enacted by the authority aforeſaid, That the clerk of the crown, or clerks of the peace, or their deputies then officiating where ſuch men or women have been or ſhall be convicted, ſhall, at the prayer of any perſon on her Majeſty's behalf, certifie a tranſcript, briefly containing the effect of any indictment and conviction of ſuch men or women, and of their having had the benefit of clergy, or of the ſaid former ſtatute, or of this ſtatute; and alſo ſhall certifie the addition of every ſuch perſon and perſons, and the certainty of the felony and conviction to the juſtice or juſtices of ſuch county, where ſuch man or woman ſhall be indicted; which certificate being produced in court, ſhall be a ſufficient proof, that ſuch perſons were formerly convicted of the offences therein mentioned, and that they have already had the benefit of clergy, or of this or the ſaid former ſtatute, in the ſame manner as if the record were produced.

On conviction clerk of crown or peace, at prayer of any one, ſhall certify former conviction, and having had benefit of clergy, or of the ſtatute, which ſufficient proof thereof. 9 *Wil.* 3. 7. 3 *W.* & *M.* 9. *ſect.* 7. *Eng.*

VI. Provided always, and be it further enacted by the authority aforeſaid, That no perſon whatſoever, who hath had the benefit of clergy allowed him, ſhall have the benefit of this act for any felony whatſoever by him committed ſince his having had the benefit of clergy as aforeſaid; and that no perſon whatſoever ſhall be allowed or intituled to the benefit of this act more than once, but ſhall for any felony, by him committed after being allowed the benefit thereof, be utterly debarred from having the benefit of the ſame again.

Benefit of this act allowed but once.

VII. And be it further enacted by the authority aforeſaid, That no woman, who hath heretofore been or hereafter ſhall be convict of felony, or who hath had or hereafter ſhall have the benefit of the ſaid act made in the ninth year of the reign of King William, intituled, *An act for taking away the benefit of clergy in ſome caſes*, ſhall be intituled to demand or receive the benefit of the ſaid laſt mentioned act again, but ſhall ſuffer ſuch pains and penalties, as ſhe would have been liable unto, if the ſaid act had not been made.

Women to have the benefit of 9 *Will.* 3. 7. but once.

4 & 5 *W.* & *M.* 24. *ſect.* 13. *Engl.*

VIII. And whereas one act of Parliament made in the ſecond year of the reign of our ſovereign lady Queen Anne (whom God long preſerve), intituled, *An act for the reviving an act for taking away the benefit of clergy in ſome caſes, and for tranſporting felons*, has been found by experience to be inconvenient, and in ſome caſes impracticable: therefore be it enacted by the authority aforeſaid, That the ſaid laſt mentioned act, and all and every clauſe, article, and ſentence therein contained be repealed, except the clauſe and clauſes relating to the tranſportation of perſons convicted for concealing, ſuccouring, abetting, or harbouring any tory, robber, or rapparee, who is preſented as ſuch and proclaimed.

2 *Anne* 12. repealed, except as to tranſportation of harbourers of tories proclaimed.

IX. And be it further enacted by the authority aforeſaid, That from and after the ſaid laſt day of September in this preſent year one thouſand ſeven hundred and ten, all and every perſon and perſons, who ſhall be produced or appear as a witneſs on the behalf of the priſoner upon any tryal for murder or felony, before he or ſhe be admitted to give any manner of evidence, ſhall firſt take an oath to depoſe the truth, the whole truth, and nothing but the truth, in ſuch manner as the witneſſes for the Queen are by law obliged to do; and if any witneſs be convicted of wilful perjury in ſuch evidence, he ſhall ſuffer all the puniſhments, penalties, forfeitures, and diſabilities, which by any of the laws and ſtatutes of this realm are or may be inflicted on perſons convicted of wilful perjury.

Witneſſes for priſoner on murder or felony to depoſe on oath as thoſe for the crown, and puniſhable for perjury.

1 *Anne* 9. *ſtat.* 2. *Engl.*

A. D. 1710.

CHAP. VII.

***An act for amending and making perpetual an act, intituled,* An Act to prohibit butchers from being graziers, and to redreſs ſeveral abuſes in buying and ſelling of cattle, and in the ſlaughtering and packing of beef, tallow, and hides.**

WHEREAS in the firſt ſeſſion of this preſent Parliament, begun and held at Dublin the one and twentieth day of September, *Anno Domini* one thouſand ſeven hundred and three, in the ſecond year of the reign of our moſt gracious ſovereign lady Queen Anne, an act was made, intituled, *An act to prohibit butchers from being graziers, and to redreſs ſeveral abuſes in buying and ſelling cattle, and in the ſlaughtering and packing of beef, tallow, and hides*, which act by experience hath been found to be in the moſt parts of it a good and profitable law in this kingdom, and is fit to be continued and made perpetual; but by the ſaid act there is no proviſion made to prevent butchers, and other perſons imployed by them, who ſlaughter cattle for exportation, from cutting away the cods and ſhifts from ſuch cattle, being much practiſed by them at ſuch time when the tallow is at a higher rate than the beef; which evil practice greatly defaces the beef, debaſes the tallow, and brings a great diſreputation upon thoſe commodities in foreign markets: for remedy whereof be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That every butcher, or other perſon imployed by them, who ſhall kill or ſlaughter any cattle to be ſalted, packed, or barelled, for and by way of merchandize to be tranſported beyond the ſeas, ſhall leave the cods and ſhifts with ſuch cattle, and not cut the ſame away; and that if any butcher, or other perſon imployed by them to kill or ſlaughter any cattle as aforeſaid, ſhall, at any time from and after the tenth day of September one thouſand ſeven hundred and ten, offend by cutting away the cods and ſhifts from any ſuch cattle, he or they ſo offending, and being convict upon oath of the ſaid offence, before one or more of her Majeſty's juſtices of the peace, or chief magiſtrate of any corporation, by one or more witneſſes; which oath the ſaid juſtice or juſtices, or chief magiſtrate, are hereby impowered and are required to adminiſter, or upon confeſſion of the offender or offenders before ſuch juſtice or juſtices, or chief magiſtrate, the ſaid party or parties ſo offending ſhall forfeit for every ſuch offence the ſum of twenty ſhillings *ſterling*, to be levied by diſtreſs and ſale

2 *Anne* 15.

The cods and ſhifts of cattle ſlaughtered for tranſportation not to be cut away.

Penalty 20 s. to poor and informer,

ſale of the offenders goods and chattels, the overplus to be reſtored after all charges of the ſaid diſtreſs defrayed; the one moiety thereof to be to the party informing, and the other moiety to the uſe of the poor of the pariſh where ſuch offence ſhall be committed; and every conſtable of the pariſh, or chief conſtable of the barony, where ſuch offence ſhall be committed, are hereby authorized and required to levy the ſame accordingly by warrant under the hand and ſeal of ſuch juſtice or juſtices, or chief magiſtrate; and in caſe ſuch offender or offenders ſhall not have goods and chattels ſufficient for the levying of the ſaid penalty, that then it ſhall and may be lawful for the juſtice or juſtices, or chief magiſtrate, before whom ſuch conviction ſhall be made, by warrant under his or or their hand and ſeal to appoint ſuch offender or offenders to be publickly whipt through ſuch corporation or next market town on the next market day immediately following.

in default of diſtreſs, to be whipped.

II. And be it further enacted by the authority aforeſaid, That the ſaid *Act to prohibit butchers from being graziers, and to redreſs ſeveral abuſes in buying and ſelling of cattle, and in the ſlaughtering and packing of beef, tallow, and hides*; and all clauſes, proviſions, and articles therein contained, ſhall continue and endure in force for ever.

2 *Anne* 15. made perpetual.

CHAP. VIII.

An Act for the better ſecuring of rents, and to prevent frauds committed by tenants.

FOR the more eaſie and effectual recovery of rents reſerved on leaſes for life or lives, term of years, at will, or otherwiſe; be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the twenty ninth day of September in the year of out Lord God one thouſand ſeven hundred and ten no goods or chattels whatſoever lying or being in or upon any meſſuage, lands, or tenements, which are or ſhall be leaſed for life or lives, term of years, at will, or otherwiſe, ſhall be liable to be taken by virtue of any execution or foreign attachment, *juſticies* or *diſtringas*, on any pretence whatſoever, unleſs the party, at whoſe ſuit the ſaid execution or foreign attachment, *juſticies* or *diſtringas*, iſſued out, before the removal of ſuch goods from off the ſaid premiſſes, by virtue of ſuch foreign attachment, execution, or extent, *juſticies* or *diſtringas*, pays to the landlord of the ſaid premiſſes, or his bailiff, all ſuch ſum and ſums

8 *Anne* 14. *Eng.*

No goods to be taken in execution till landlord's rent, not exceeding one year, paid.

A. D. 1710. Chap. 8.

of money as are or ſhall be due for rent for the ſaid premiſſes, at the time of the taking ſuch goods or chattels by virtue of ſuch foreign attachment, execution, extent, *juſticies*, or *diſtringas*, provided the ſaid arrears of rent do not amount to more than one years rent; and in caſe the ſaid arrears ſhall exceed one years rent, then the ſaid party, at whoſe ſuit ſuch execution or foreign attachment, *juſticies* or *diſtringas* is ſued out, paying the ſaid landlord or his bailiff one years rent, may proceed to execute his judgment or foreign attachment, *juſticies* or *diſtringas*, as he might have done before the making of this act; and the ſheriff or other officer is hereby impowered and required to levy and pay to the plaintiffs the monies ſo paid for rent.

Landlord, or agent, to make affidavit of the arrear, if required.

II. Provided always, That ſuch landlord, or his agent, do make and produce an affidavit in writing (if thereto required by the plaintiff in ſuch action or execution, or his agent) that ſuch arrear of rent is really and *bona fide* due to ſuch landlord or leſſor; which oath the ſheriff or ſub-ſheriff, or any juſtice of peace, or other magiſtrate, are hereby impowered to adminiſter.

Leſſee conveying away goods to prevent diſtreſs, landlord in 5 days after may ſeiſe and diſpoſe thereof, as if diſtrained on the premiſes.
15 G. 2. 8.

III. And be it further enacted by the authority aforeſaid, That in caſe any leſſee for life or lives, term of years, at will, or otherwiſe, or their aſſignees, of any meſſuage, lands, or tenements, upon the demiſe whereof any rents are or ſhall be reſerved or made payable, ſhall from and after the ſaid twenty ninth day of September fraudulently or clandeſtinely convey or carry off or from ſuch demiſed premiſſes his goods or chattels, with intent to prevent the landlord or leſſor from diſtraining the ſame for arrears of ſuch rent ſo reſerved as aforeſaid, it ſhall and may be lawful to and for ſuch leſſor or landlord, or any perſon or perſons by him for that purpoſe lawfully impowered, within the ſpace of five days next enſuing ſuch conveying away or carrying off ſuch goods or chattels as aforeſaid, to take and ſeize ſuch goods and chattels wherever the ſame ſhall be found, as a diſtreſs for the ſaid arrear of ſuch rent, and the ſame to ſell or otherwiſe diſpoſe of in ſuch manner, as if the ſaid goods and chattels had been actually diſtrained by ſuch leſſor or landlord in and upon ſuch demiſed premiſſes for ſuch arrear of rent; any law, cuſtom, or uſage, to the contrary in any wiſe notwithſtanding.

But goods *bona fide* ſold can only be ſeiſed as a diſtreſs on the premiſes.

IV. Provided nevertheleſs, That nothing in this act contained ſhall extend or be conſtrued to extend to impower ſuch leſſor or landlord to take or ſeize any goods or chattels in any place, but on the demiſed premiſſes, as a diſtreſs for arrears of rent, which ſhall be ſold *bona fide*, and for a valuable conſideration, before ſuch ſeizure made; any thing herein contained to the contrary notwithſtanding.

V. And whereas no action of debt lies againſt a leſſee for life or lives, his or their aſſignee or aſſignees, for any arrears of rent, during the continuance of ſuch life or lives: be it further enacted by the authority aforeſaid, That from and after the ſaid twenty ninth day of September it ſhall and may be lawful for any perſon or perſons, having any rent in arrear or due upon any leaſe or demiſe for life or lives, to bring an action or actions of debt for ſuch arrears of rent, in the ſame manner as they might have done in caſe ſuch rent were due and reſerved upon a leaſe for years.

Debt may be for rent on leaſe life, as well as on leaſe for years.

VI. And be it further enacted and declared by the authority aforeſaid, That all diſtreſſes hereby impowered to be made ſhall be liable to ſuch ſales, and in ſuch manner, and the money ariſing by ſuch ſales to be diſtributed in like manner, as diſtreſſes for rent.

Said diſtreſſes liable to ſuch ſales, &c. as diſtreſſes for rent.

VII. Whereas alſo leſſees for life or lives, or for years, or at will, frequently hold over the ſaid lands and tenements demiſed after the determination of ſuch leaſes; and whereas after the determination of ſuch leaſes, or any other leaſes, no diſtreſs can by law be made for any arrears of rent that grew due on ſuch reſpective leaſes before the determination thereof: be it hereby further enacted, That from and after the twenty ninth day of September one thouſand ſeven hundred and ten, it ſhall and may be lawful for any perſon or perſons having any rent in arrear, or due upon any leaſe for life or lives, or for years, or at will, ended or determined, to diſtrain for ſuch arrears after the determination of the ſaid reſpective leaſes, in the ſame manner as they might have done, if ſuch leaſe or leaſes had not been ended or determined; provided that ſuch diſtreſs be made within the ſpace of ſix calendar months after the determination of ſuch leaſe, and during the continuance of ſuch landlord's title or intereſt, and during the poſſeſſion of the tenant, or thoſe claiming under him, from whom ſuch arrears became due.

After expiration of leaſe, diſtreſs may be for arrears, if made in 6 months, and during landlord's title and tenant's poſſeſſion.

VIII. Provided always, and be it hereby enacted and declared, That nothing in this act contained ſhall extend, or be conſtrued to extend, to let, hinder, or prejudice her Majeſty, her heirs or ſucceſſors, in the levying, recovering, or ſeizing any debts, fines, penalties, or forfeitures, that are or ſhall be due, payable, or anſwerable to her Majeſty, her heirs or ſucceſſors; but that it ſhall and may be lawful for her Majeſty, her heirs and ſucceſſors, to levy, recover, and ſeize ſuch debts, fines, penalties, and forfeitures, in the ſame manner as if this act had never been made; any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

Not to hinder the Queen from levying debts, fines, &c.

CHAP.

A. D. 1710.

CHAP. IX.

An Act for the amending of the high ways and roads in this kingdom, and for the application of the ſix days labour.

Recital of 11 *G.* 1. 7.

WHEREAS by an act of Parliament made in this kingdom in the eleventh year of the reign of our ſovereign lord King James the firſt, it is enacted, "That every perſon or perſons "for every plow-land in tillage or paſture that he ſhall occupy "in the ſame pariſh, and all and every other perſon or perſons "keeping therein a draught or plough, ſhall find and ſend, at "every day and place to be appointed for the amendment of the "high ways in that pariſh, one wain or cart furniſhed after the "cuſtom of the country, with oxen, horſes, or other cattle, and "all other neceſſaries meet to carry things convenient for that "purpoſe, and alſo two able men with the ſame, upon pain of "every draught making default, as in the ſaid act is expreſſed." And whereas it is further enacted, "That all and every perſon or "perſons that ſhall occupy a plow-land in tillage or paſture, lying "and being in ſeveral pariſhes, ſhall be chargeable with the mak-"ing of the high ways and keſhes, and cutting and clearing of "paces within the pariſhes where he dwelleth, as far forth and in "ſuch manner and form as any perſon having a plow-land in any "pariſh ought to be chargeable by the ſaid act:" and foraſmuch as the word plow-land in the ſaid act is a name, whereby lands are known and diſtinguiſhed in ſome particular parts and places in this kingdom, and not one common name, whereby lands are known or diſtinguiſhed in every county of this kingdom; by which means ſeveral perſons inhabiting in counties, where the lands are known by another name, do refuſe to work according to the directions of the ſaid act, pretending they have no lands in the ſaid pariſh known or called by the name of plow-lands, which occaſions many of the high ways and keſhes in this kingdom to remain out of repair: for remedy whereof be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That it ſhall and may be lawful to and for the grand juries of the ſeveral counties in this kingdom at ſome general aſſizes, which ſhall be held within any of the ſaid counties in this kingdom, within the ſpace of three years after the thirtieth day of September in the year one thouſand ſeven hundred and ten, to direct, explain, and aſcertain how the word plow-land in the ſaid act ſhall be conſtrued and underſtood within the ſaid county, or any barony or pariſh within

1 *G.* 2. 13.
13 *G.* 2. 10.
33 *G.* 2. 8.

The word *plow-land* therein not known in every county,

Inconvenience thereof.

Grand juries in all counties ſhall in 3 years aſcertain the word plow-land;

1 *G.* 2. 13. *further proviſion.*

and 33 *G.* 2. 8.

within ſuch county, for and towards the better execution of the ſaid act, and ſhall alſo to the then judge or judges of aſſize, by preſentment before ſuch judge or judges to be made, find and preſent, that within ſuch county, where ſuch preſentment ſhall be made, a plow-land, in the ſaid act mentioned, ſhall be received, underſtood, and conſtrued to conſiſt of and contain ſuch tracts and quantities of ground, as are diſtinguiſhed and known by ſuch other name, as is peculiar and proper to the denomination of lands in the ſaid county; and where ſuch peculiar name and denomination in ſuch county doth contain a greater tract of ground, and more number of acres, than plow-lands do contain in thoſe counties, where the lands are particularly known by the name of plow-lands in ſuch counties, the grand jury ſhall preſent and find what number of acres in the ſaid county ſhall be taken for, and conſtrued to conſiſt of, and be, a plow-land within the meaning and intent of the ſaid act, having due conſideration of the quality of the ſaid lands; and after ſuch preſentment is made, and thrice read in open court the ſame aſſizes, the next judge or judges of the next or other aſſizes, after the aſſizes wherein the ſaid preſentment ſhall be made, ſhall cauſe the ſaid preſentment to be read in open court immediately after impannelling the grand jury; and if no reaſonable objection be made againſt the ſaid preſentment, the ſaid judge or judges of the ſaid aſſizes are hereby required to confirm the ſame; and after ſuch confirmation, the perſon or perſons occupying ſuch lands, as ſhall be ſo diſtinguiſhed by ſuch preſentment, and in ſuch manner as aforeſaid confirmed, in tillage or paſture, ſhall be charged and chargeable with the making the high ways and keſhes within the reſpective pariſhes, in ſuch manner, and under ſuch penalties, as perſons occupying plow-lands in their reſpective pariſhes are charged or chargeable by the ſaid act.

A. D. 1710. Chap. 9.

and preſent at the aſſiſes,

to be confirmed at aſſiſes afterwards;

and then the occupier chargeable with making high ways and keſhes, as by ſaid act.

II. And whereas in ſeveral places the pariſhes are ſmall, and the ways and keſhes too much out of repair, that the inhabitants of ſuch pariſhes by the labour of ſix days cannot repair or make the ſaid high ways and keſhes in one year, but oftentimes that part of the ſaid ways that are made in ſummer time is ſpoiled the next winter, by reaſon the ſame was not finiſhed in one ſeaſon: be it enacted by the authority aforeſaid, That the major part of the pariſhioners, who ſhall meet in Eaſter week yearly according to the direction of the ſaid ſtatute, may agree to divide the whole way or keſhes ſo to be made, and to allot and apportion ſo much of the ſaid high way to be made, as can be finiſhed by the ſix days work in that year, and ſo to continue yearly till the whole high way is repaired; and further that they may agree among themſelves to divide ſuch proportion, as ſhall be ſo allotted and ſet out for each year, according to the proportion of land in the occupation

In ſmall pariſhes, &c. major part meeting at Eaſter may apportion ſo much of the high way as can be finiſhed by 6 days work in the year, and ſo yearly till the whole repaired;

and divide according to proportion occupied by each perſon;

A. D. 1710. Chap. 9.

pation of each perſon occupying any lands in the ſaid pariſh in tillage or paſture; and ſuch agreement ſo made, being reduced into writing and ſigned by the major part of the pariſhioners then preſent, ſhall be binding and concluſive on every perſon and perſons occupying any land in the ſaid pariſh as aforeſaid; and every perſon or perſons neglecting or refuſing to repair the proportion, ſo allotted by ſuch agreement to be repaired by him or them, ſhall be liable to ſuch penalties as in the ſaid act is expreſſed and impoſed on any perſon or perſons, who ſhall refuſe or neglect to work ſix days, which by the ſaid act is appointed for the amendment or making of the high ways and keſhes, to be levied in ſuch manner, and by ſuch perſons, as by the ſaid act or any other act is directed and appointed.

ſuch agreement binding,

and perſons neglecting liable to penalties by ſaid act.

III. And whereas by the law no perſon is obliged to work out of the pariſh, wherein he dwells, on the high ways, although in many caſes there is no work neceſſary for the repair of high ways in ſeveral pariſhes, and that the pariſhes having no ſuch charge lying on them do reap advantage by the amendment of high ways in the adjacent pariſhes: be it further enacted by the authority aforeſaid, That when any pariſh has not any ſuch high way through the ſame, the inhabitants of ſuch pariſh ſhall be liable to work in the next adjacent pariſh or pariſhes, wherein there ſhall be any conſiderable high way leading to any city or market, according to ſuch proportion as ſhall from time to time be ordered by the preſentment of the grand jury at the aſſizes or ſeſſions, and confirmed by the judges or juſtices of the peace at the aſſizes or ſeſſions, ſo as ſuch work ſhall not exceed the ſix days labour.

Pariſhes not having high way, to work the 6 days in adjacent pariſhes, according to preſentment.

1 G. 2. 13.

IV. Provided always, That no ſuch perſon ſhall be obliged to go above two miles beyond the confines or limits of the pariſh, wherein he ſhall dwell, to work at any high way or road.

but not obliged to go above 2 miles from the pariſh.

V. And to the intent the work to be done in high ways may more effectually be performed, be it further enacted by the authority aforeſaid, That in ſuch pariſhes, where the common labourers are found not to have fitting tools for the work required, (to wit) iron crows or bars, or other tools neceſſary to be employed in the repair of the high ways, the juſtices of peace in open ſeſſion, or in failure thereof the two next juſtices of the peace, ſhall and may from time to time aſſeſs and raiſe a ſum not exceeding forty ſhillings upon the inhabitants of ſuch pariſh or pariſhes reſpectively, in ſuch proportion or proportions as to ſuch juſtice or juſtices ſhall ſeem proper for the buying ſuch tools, which ſhall be kept by the ſurveyor of the high ways, and delivered over from time to time to ſuch perſon as ſhall ſucceed ſuch ſurveyor, to be kept for the uſe of the ſaid pariſh, and not made uſe of in any other work whatever; the ſaid ſum or ſums of money, in default of payment thereof,

Common labourers not having fit tools, 40 s. may be aſſeſſed on the pariſh at ſeſſions or by 2 juſtice to buy them,

and kept by ſurveyor for uſe of the pariſh.

1 G. 2. 13.

thereof, to be reſpectively levied by warrant under the hands and ſeals of ſuch juſtice or juſtices by diſtreſs and ſale of the goods of ſuch inhabitant or inhabitants, who ſhall make default in payment of his or their proportion thereof, returning the overplus to the owner of ſuch goods.

Time for working enlarged from Eaſter to 1ſt of Auguſt. 1 *G.* 2. 13.

VI. And whereas the time appointed for making and repairing of ſuch high ways is by the firſt recited act to be and continue for no longer ſpace than from Eaſter until the feaſt of St. John the Baptiſt in each year; be it further enacted by the authority aforeſaid, That from hence forward the ſaid time may be prolonged and enlarged until the firſt of Auguſt following.

Occupiers of lands adjoining to cleanſe the ditches at their own charge. 11 *W.* 1. 7. 23 *G.* 2. 16.

VII. And foraſmuch as the high ways and keſhes, when they are amended, will ſoon be out of repair and rendered difficult to be paſſed, in caſe the ditches, which bound ſuch roads, are not cleanſed, and kept free for the paſſage of the water, and proper paſſages are not made through the banks of ſuch ditches, as lye on that ſide of the road where the lands adjoining have a deſcent to take of the water: for remedy whereof be it further enacted by the authority aforeſaid, That the occupiers of all ſuch lands, which are bounded by ſuch high ways and keſhes, ſhall at their own charge and labour, keep the ſaid ditches cleanſed and open for water to paſs; and alſo the paſſages out of ſuch ditch, through the banks thereof to the adjacent lands, where there is or can be made ſuch paſſage for the ſaid water; and as often as there ſhall be any ſtoppage in ſuch ditches or paſſages, to open the ſame from time to time as there ſhall be occaſion; and if any ſuch occupier of lands, where ſuch ſtoppage is, refuſe or neglect ſo to do within two days after notice given by the overſeers of that road, the ſaid overſeers ſhall ſet one or more labourers to work in cleanſing the ſaid ditches and paſſages; and in caſe ſuch occupier ſo neglecting ſhall refuſe to pay the ſaid labourer, it ſhall be lawful for the next juſtice of the peace, and he is hereby required, to grant his warrant to any conſtable to diſtrain ſo much of the goods and chattles of the ſaid offender, as will pay the ſaid labourers, and to diſpoſe of the ſame, returning the overplus to the owner of ſuch goods.

And open paſſages to carry off water.

On neglect, overſeers two days after notice to employ labourers on non payment by occupiers, levied by diſtreſs.

But occupiers not to cleanſe the ditches thro' bogs.

VIII. Provided always, That nothing herein contained ſhall extend to oblige the occupiers of any bog, through which ditches or toghers have been made at the expence of the publick, to ſcower or cleanſe ſuch ditches.

Where 6 days labour not ſufficient, grand juries in preſentments ſhall expreſs the place where repairs begin and to what places, and number of perches, and the breadth, not leſs than 9 feet.

IX. And where publick high roads are ſo many and bad, that they cannot be amended in any reaſonable time by the ſix days labour, appointed by act of Parliament, whereby grand juries at the general aſſizes or quarter ſeſſions of each county are neceſſitated to raiſe money for making and repairing the ſame on the ſeveral counties in which ſuch high roads do lie: be it further

A. D. 1710. 6 G. 1. 10. 1 G. 2. 13.

ther enacted by the authority aforeſaid, That in all ſuch caſes where any preſentment ſhall be made for raiſing money for making or repairing high ways, that the ſaid grand juries in ſuch their preſentments ſhall take care to expreſs the place where ſuch reparations are to begin, and to what places to be continued, together with the number of perches, plantation meaſure, ſuch high way, to be made or repaired, do contain; as alſo what ſhall be the breadth of the cauſeway, pavement, or other reparations to be made in the ſaid high way; no ſuch cauſeway, pavement, or other reparation to be leſs than nine foot wide; and likewiſe to expreſs whether the ſame is to be gravelled, paved with ſtones, or raiſed by ditches on each ſide after the uſual manner of toghers, to be well gravelled or paved on the top according to the breadth aforeſaid at leaſt; which ſaid grand juries ſhall likewiſe preſent at the ſame time what ſhall be allowed for the making and perfecting of each perch, in the manner as by them ſhall be preſented as aforeſaid, to the end it may appear that no more money was applotted, than what went to the making and repairing of the ſaid high ways; which money the overſeers of ſuch high ways to be appointed ſhall from time to time take care to pay over to the reſpective workmen and labourers, which ſhall be imployed in and about the ſame; and at the next ſucceeding general aſſizes or quarter ſeſſions give an account upon oath to the grand jury of the money expended on the ſaid high ways, with the names of the perſons he or they paid the ſame unto; which account being reduced into writing, and allowed of by the grand jury, ſhall be lodged with and kept by the clerk of the peace of each county; and in default of making ſuch account, ſuch overſeer or overſeers, being preſented at ſuch general aſſizes or quarter ſeſſions by the grand jury for the ſame, ſhall be committed without bail or mainprize, until they ſhall make the ſaid account.

And whether gravelled, paved, &c.

and how much *per* perch.

Overſeers to pay the labourers from time to time,

and account on oath to grand jury next aſſizes. 1 G. 2. 13. 33 G. 2. 8.

Said account to be kept by clerk of peace.

In default of account, overſeers preſented by grand jury ſhall be committed.

X. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to alter the reſtriction or method preſcribed for raiſing money by grand juries at aſſizes and ſeſſions by the acts of Parliament now to that purpoſe in force.

This act not to alter the methods of raiſing money by grand juries now in force.

CHAP. X.

An Act for the relief of inſolvent debtors now in confinement.

FORASMUCH as many perſons now detained in priſon are reduced to great poverty by the misfortunes, that have attended them by the deadneſs of trade, whereby they are totally diſabled from giving any ſatisfaction to their creditors, and by being detained in priſon are rendered uſeleſs and a burthen to the kingdom; be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament

ment aſſembled, and by authority of the ſame, That all perſons, who were in priſon, and actually confined within the walls of ſuch priſon by legal commitments or proceſs, without fraud or colluſion with their creditors or others, upon the thirteenth day of February one thouſand ſeven hundred and eight, and who have ever ſince the time of ſuch their commitment continued in confinement upon any action or actions, or upon meſne proceſs for debt, or other actions whatſoever, which may become judgments, or who have judgments entered upon record againſt them, or are charged in execution, or impriſoned upon attachment for debts or other action, or upon outlawries before or after judgment for debt, caſe, or treſpaſs, or upon any other proceſs whatſoever iſſued out of any court of law or equity, for debt, damages or coſts, who ſhall take the oath hereafter mentioned, ſhall and may be releaſed and diſcharged from their impriſonment, and the debts owing by them, in ſuch manner as hereafter is provided.

II. And be it further enacted by the authority aforeſaid, That it ſhall be lawful for any juſtice of the peace of any county, city, town, or liberty, within this kingdom, by warrant under his hand and ſeal to require the ſheriffs, goalers or goaler, or keeper of any priſon, within his or their reſpective juriſdiction, to bring before the juſtices of the peace at the then next quarter-ſeſſions for the reſpective county, city, or town, the body of any perſon, being in priſon for debt, or upon any other action or proceſs as aforeſaid, on the day aforeſaid, and petitioning him to be diſcharged; which warrant every ſuch ſheriff, goaler or keeper, is hereby commanded to obey, under the pain and forfeiture of ten pounds for every ſuch delay, neglect, or refuſal, to be paid to the priſoner obtaining ſuch warrant, and to be recovered of every ſuch ſheriff, goaler, or keeper of any priſon, by action of debt, bill, plaint or information, wherein no eſſoign, protection, or wager of law, or more than one imparlance ſhall be allowed; and ſuch priſoner, coming before ſuch juſtice of the peace at the ſaid ſeſſions, ſhall in open court take an oath to the effect following:

I A. B. *do upon my corporal oath, in the preſence of Almighty God ſolemnly ſwear, profeſs, and declare, that I am not worth in land, money, ſtock, or any other eſtate real or perſonal, in poſſeſſion, reverſion, or remainder, to the value of five pounds in the whole, over and above the effects contained in a ſchedule now delivered in by me, or ſufficient to pay the debt or damage, for which I am impriſoned; and that I have not directly or indirectly ſold, leaſed, or otherwiſe conveyed, diſpoſed of, or intruſted all or any part of my land, money, goods, ſtock, or eſtate, whereby to ſecure the ſame, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors, to whom I am indebted.*

So help me God.

III. And be it further enacted by the authority aforeſaid, That the juſtice of the peace, who ſhall grant ſuch warrant for bringing ſuch priſoner before the juſtices of the peace at their next ſeſſions, ſhall without fee or reward give a writing, importing notice to the creditor or creditors under his hand and ſeal, that he has granted ſuch warrant, and that the priſoner has petitioned him tobe diſcharged; and the ſaid ſummons or notice ſhall be left with or ſerved upon ſuch perſon or perſons, his or their executors, adminiſtrators, attorney or agents, lawfully authorized, to be left at the dwelling-houſe or uſual place of aboad, as the priſoner ſhall ſtand indebted to, at leaſt fourteen days before ſuch quarter-ſeſſions, thereby appointing as well the ſaid perſons as the ſaid priſoner to appear before the juſtices at the ſaid next general ſeſſions of the peace to be held for the ſame county, city, town or liberty; and when it ſhall appear upon oath before the ſaid juſtices, that the ſaid ſummons was ſo ſerved or left fourteen days or more before the ſaid ſeſſions, and that the ſaid oath taken by the ſaid priſoner be not diſproved by good teſtimony of any credible perſon upon oath, to be adminiſtered by the ſaid juſtices; then ſuch juſtices of the peace in their ſaid ſeſſions, being ſatisfied therewith, ſhall thereupon without fee

A. D. 1710. Chap. 10.

or reward by their warrant command the ſheriff, goaler, or keeper of any priſon, to ſet at liberty the priſoner without the payment of fees, lodging, or chamber-rent; which warrant ſhall be a diſcharge to the ſheriff, goaler, or keeper of any priſon, and indempnifie him againſt eſcapes.

IV. And be it further enacted by the authority aforeſaid, That if any creditor ſhall inſiſt to have his debtor detained in priſon, after ſwearing or taking the oath aforeſaid, for the ſpace of twenty days after ſuch quarter ſeſſions, that then ſuch creditor ſo inſiſting to detain the priſoner, ſhall actually pay the priſoner ſix pence *per diem*; and, in caſe of neglect of payment, the priſoner to be diſcharged; and if within the ſaid twenty days no eſtate of the priſoner beyond the value of five pounds, over and above the ſchedule delivered in as aforeſaid, can be found, diſcovered, or made out, before two juſtices of the peace, then the priſoner to be forthwith diſcharged without fee or reward by warrant under the hands and ſeals of any two juſtices of ſuch county, city, town, or liberty, and the ſame to be as effectual as if diſcharged in open ſeſſions.

V. And be it further enacted by the authority aforeſaid, That no priſoner to be diſcharged by this act ſhall at any time hereafter be impriſoned for any debt, damage or damages, for which he, ſhe, or they were committed on the ſaid thirteenth day of February one thouſand ſeven hundred and eight; and that upon any arreſt for ſuch debt or damages, it ſhall and may be lawful to and for them, ſhewing a duplicate of their diſcharges, which they are to have without fee, to retain an attorney to appear for them, and file common bail only, and no more to be required to every action, and plead thereunto that they were diſcharged by vertue of this act, without ſetting forth any of the matter required to be performed by this act, it being to be left to the plaintiff to ſhew any failure therein by his replication, if he ſhall think fit, ſo that the plantiff, if he pleaſes, may recover and enter up judgment againſt ſuch priſoner, to be executed and levied upon the lands, tenements, goods, and chattels of ſuch priſoner, his or her wearing apparel and neceſſary furniture for his or her dwelling-houſe, the furniture or neceſſary tools for his or her occupation, not exceeding five pounds, and ſuch goods as he or ſhe hath had or ſhall have upon freſh credit, after ſuch his diſcharge only excepted, but not upon their perſons; their perſons being for ever freed and diſcharged from impriſonment for any ſuch debt or damages, for which they were confined the ſaid thirteenth day of February one thouſand ſeven hundred and eight.

VI. And be it further enacted by the authority aforeſaid, That if any ſheriff, goaler, or keeper of any priſon, ſhall refuſe or delay to bring the priſoner to the quarter ſeſſions in order to his diſcharge, or detain the priſoner after he ſhall be diſcharged, every ſuch ſheriff, goaler, or keeper of any priſon, ſhall forfeit and pay the priſoner five pounds, to be recovered by civil bill before the judge or judges of aſſizes, or before ſuch judge or Queen's council, as ſhall hold ſeſſions at Kilmainham in the county of Dublin, or by bill, plaint, or information, in any of her Majeſty's courts, where no eſſoign, protection, or wager of law, or more than one imparlance ſhall be allowed; and alſo ſhall be liable to ſuch fine, not exceeding fifty pounds, as the juſtices of the peace ſhall in their diſcretion think fit to impoſe.

VII And be it further enacted by the authority aforeſaid, That upon any action of eſcape or other ſuit, to be brought againſt any juſtice of the peace, ſheriff, goaler or keeper of any priſon, for doing their office in purſuance of this act, they may plead the general iſſue, and give this act in evidence; and if the plantiff be nonſuited or verdict paſſed againſt him, the defendant to have treble coſts.

VIII. Provided, That the diſcharge of any perſon ſhall not acquit any other, jointly or ſeverally bound for the ſaid debt or any part thereof either as principal or ſurety, but that every ſuch perſon or perſons ſhall be anſwerable for the ſaid debt and damages, in ſuch manner as they were before.

IX. Provided alſo, That no perſon by vertue of this act ſhall be diſcharged out of priſon, who ſhall be charged in execution, and ſhall really owe more than the ſum of fifty pounds to any one perſon principal money, or ſhall be in execution at the

the ſuit of any perſon or perſons for more in the whole than one hundred and fifty pounds; ſuch debt to be aſcertained by the court or courts, out of which ſuch execution did iſſue, or by any decree in Chancery.

X. And be it further enacted by the authority aforeſaid, If any priſoner ſhall at any time afterwards be found or ſuſpected by any creditor to have in ready money, goods, or chattels, in his or her own hands and poſſeſſion, or in the hands and poſſeſſion of any others to his or her uſe, in value over and above what is allowed by this act, other than ſuch goods as are in his or her ſhop or work-houſe, as he or ſhe ſhall have been intruſted with ſince the time of his or her diſcharge, and for what he or ſhe ſhall be really indebted, and he or ſhe will not or do not upon any reaſonable demand pay his or her debts therewith, as far as the ſame will reach, that then in ſuch caſe at the requeſt of any creditor an oath ſhall be tendered by any juſtice of the peace, or by any judge of the court where there is judgment againſt him or her, for the diſcovery thereof; and he or ſhe refuſing to take the ſaid oath, or if it ſhall thereby appear he or ſhe have a greater eſtate than is allowed by this act to be diſcharged, he or ſhe ſhall be remanded to priſon in execution for ſuch debt; any thing in this act to the contrary notwithſtanding.

XI. And be it further enacted by the authority aforeſaid, That this act ſhall not extend to diſcharge any perſon in execution for any fine on him or her impoſed for any offence, committed or done againſt the Queen's Majeſty.

XII. Provided, That every priſoner actually in cuſtody as aforeſaid the ſaid thirteenth day of February one thouſand ſeven hundred and eight on ſuch meſne proceſs, if it ſhall be deſired by any creditor, before the juſtice of the peace, to whom the priſoner has applied for his diſcharge, ſhall forthwith give a warrant to ſome attorney to appear and file common bail, and receive a declaration, and ſuch priſoner ſhall thereupon have the full benefit of this act, as to the liberty of his or her perſon upon the ſaid meſne proceſs, and againſt any judgment or execution that ſhall be had againſt him or her in ſuch ſuit, that ſhall be brought againſt him or her, to all intents as fully as if he or ſhe had been charged in execution the ſaid thirteenth day of February one thouſand ſeven hundred and eight; but ſuch perſon in priſon upon ſuch meſne proceſs ſhall, in ſuch caſe of refuſal to give ſuch warrant of attorney, looſe the benefit of this act.

XIII. And be it further enacted by the authority aforeſaid, That every priſoner, before he or ſhe is diſcharged, ſhall ſwear what effects are belonging to him or her, and what debts are owing to him or her, and by whom, or for what cauſe, and upon what ſecurity, and ſhall make a ſchedule thereof in the preſence of the juſtices, and ſubſcribed by the priſoner, which ſhall be returned by the juſtices to the next ſeſſions, there to remain for the better information of the creditors of ſuch priſoner, who, or ſuch of them as will join, may thereupon ſue for ſuch debts, or ſo much thereof as will reaſonably ſatisfie them, in the name of the priſoner, and, after the ſame ſhall be recovered and received, to render the overplus thereof to the priſoner, their own debts and charges firſt deducted.

XIV. And be it further enacted by the authority aforeſaid, That if any perſon, who ſhall be diſcharged by this act, ſhall willfully perjure him or herſelf in making the above mentioned oath, and ſhall be thereof lawfully convicted, he or ſhe ſo offending ſhall be tranſported into ſome of her Majeſty's plantations in the Weſt-Indies; and in caſe he, ſhe, or they, ſo to be tranſported, ſhall return into this kingdom, and ſhall not pay their ſeveral and reſpective debts, due to their ſeveral creditors, within ſix months after his, her, or their return, every ſuch perſon, ſo returning and neglecting to pay their debts as aforeſaid, ſhall thereupon incur the pain of felons convict, and ſuffer as ſuch, without having benefit of clergy.

XV. Provided always, That nothing herein contained ſhall extend to diſcharge or releaſe any perſon or perſons from his, her, or their impriſonment, who have been diſcharged on the *Act for relief of poor priſoners for debt*, made in this kingdom in the ſeſſions of Parliament begun and holden the tenth day of February one thouſand ſeven hundred and four, in the third year of her preſent Majeſty's reign, nor to any

A. D. 1710.

any perſon who ſhall not procure his, her, or their duplicate or diſcharge, to be ſigned by the ſaid juſtice of the peace, on or before the twenty fourth day of June one thouſand ſeven hundred and eleven, nor to any perſon who forged or counterfeited any duplicates or diſcharges on the ſaid former act, or were detected of perjury, or ſubornation of perjury, in endeavouring to procure their enlargement on the ſaid former *Act for the relief of poor priſoners.*

XVI. And it is hereby declared and enacted, That all and every the powers contained in the ſaid laſt mentioned Act *for relief of poor priſoners*, not already executed, are determined.

CHAP. XI.

An Act to prevent the maiming of cattle.

Recital of 7. *Will.* 3. 21.

WHEREAS by an act of Parliament made in this kingdom in the ſeventh year of the reign of his late Majeſty King William the third of glorious memory, intituled, *An act for the better ſuppreſſing tories, robbers, and rapparees, and for preventing burglaries and other heinous crimes*, it is among other things enacted, "That in all caſes, where the damages do not exceed ten "pounds *ſterling*, the inhabitants of the barony and franchiſes with- "in the precincts thereof, where ſuch facts are committed, and not "the inhabitants of the county at large, ſhall make ſatisfaction and "amends, in ſuch manner, and with ſuch diſtinction, as in the ſaid "act is expreſſed; and where the damages do exceed the ſum of "ten pounds *ſterling*, the inhabitants of the county at large ſhall "make ſatisfaction in ſuch manner and with ſuch diſtinction as "aforeſaid:" and whereas the baronies of Muckillin and Ballinahinch, and the half barony of Roſs in the county of Gallway, part of a territory, commonly called the territory of Ereconnought, are for the moſt part inhabited by people of a barbarous diſpoſition, and not amenable to the laws, who have confederated to deſtroy the cattle of all ſuch perſons, who ſhall poſſeſs and hold in farm any lands in the ſaid baronies, who are not ancient inhabitants and natives thereof; and in purſuance of the ſaid confederacy have within a ſhort time lately deſtroyed by maiming, houghing, and driving down precipices, great numbers of cattle belonging to perſons, who inhabit other parts of the ſaid county, who were poſſeſs'd of land and ſtock within the ſaid baronies, or ſome one or more of them, the making amends and ſatisfaction for ſuch cattle, ſo deſtroyed according to the ſaid act, hath been very grievous and chargeable to the inhabitants of the ſaid connty at large, and may probably be a greater burthen for the time to come, unleſs ſome effectual remedy be provided againſt the ſaid evil practices: for remedy thereof, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual

Baronies of Muckillin, Ballinahinch and half barony of Roſs in Galway inhabited by barbarous people confederated to deſtroy cattle, &c.

ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the twenty ninth day of September one thouſand ſeven hundred and ten, where any cattle ſhall be maimed, houghed, or otherwiſe deſtroyed, within any of the ſaid baronies or franchiſes, or the precincts thereof, the inhabitants of ſuch barony and franchiſe, or the precincts thereof, ſhall make amends and ſatisfaction for the ſame, and not the inhabitants of the county at large, though the value of the ſaid cattle ſo maimed, houghed, or deſtroyed, ſhall exceed the value of ten pounds, in ſuch manner, and with ſuch diſtinction and directions, as in the ſaid act made in the ſeventh year of the reign of his ſaid late Majeſty King William, and in one other act made in the ſame ſeſſions, intituled, *An act to ſupply the defects, and for the better execution of an act paſt this preſent ſeſſion of Parliament*, intituled, *An act for the better ſuppreſſing tories and rapparees, and for preventing robberies, burglaries, and other heinous crimes*, is mentioned and expreſt; any thing in the ſaid acts, or either of them, to the contrary notwithſtanding.

A. D. 1710.

Inhabitants of ſaid baronies ſhall make ſatisfaction for cattle maimed, houghed, or deſtroyed, and not inhabitants of county at large, tho' above 10*l.* value.

as by 7 *Wil.* 3. 21. and 9 *Wil.* 3. 9.

III. And for the better prevention of maiming and deſtroying of cattle; be it enacted by the authority aforeſaid, That if any perſon or perſons in this kingdom after the twenty ninth day of September one thouſand ſeven hundred and ten ſhall maliciouſly, unlawfully, and willingly maim, kill, or deſtroy any horſes, ſheep, cows, or other cattle, of any perſon or perſons whatſoever, every ſuch offence ſhall be adjudged felony, and the offenders, and every of them ſhall ſuffer as in caſes of felony: provided nothing herein contained ſhall extend to the gelding ſtone horſes going at large.

maliciouſly maiming or deſtroying cattle, felony: 2 G. 1. 22. *clergy taken away.* 17 G. 2. 5. 29 G. 2. 12. except the gelding ſtone horſes going at large.

CHAP. XII.

An Act for uniting ſeveral pariſhes, and building ſeveral pariſh-churches in more convenient places.

WHEREAS the pariſh-church of Kilkeevin, ſituate in the town of Caſtlereagh, is convenient to the inhabitants of the pariſh of Kilkeevin, Baſlick, and Ballintober in the dioceſs of Elphin, and the ſaid pariſhes are fit to be united and made one pariſh: be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the biſhop of the ſaid dioceſs, with

Union of Kilkeevin, Baſlick and Ballintobber, in Elphin:

A. D. 1710. Chap. 12.

the church at Caſtlereagh the pariſh church.

the approbation of the archbiſhop of the province, and the conſent of the reſpective patrons, incumbents, and major part of the inhabitants of the ſaid pariſhes, to unite the ſaid pariſhes of Kilkeevin, Baſlick, and Ballintober, and the pariſh-church now built at Caſtlereagh in the pariſh of Kilkeevin may be deemed the only pariſh-church of the united pariſhes; the ſaid pariſhes ſo united to be called by the name of the pariſh of Kilkeevin; and the inhabitants of the ſaid ſeveral pariſhes to be from time to time liable to and chargeable with the repairs of the ſaid church at Caſtlereagh.

Union of Oran and Drumtemple in Elphin:

the church at Oran to be rebuilt.

II. And whereas the pariſhes of Oran and Drumtemple in the ſaid dioceſs of Elphin are fit to be united, and that the antient church of Oran within the ſaid pariſh of Oran is conveniently ſituated for the pariſhioners of the ſaid pariſhes to repair unto, were the ſame rebuilt: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the biſhop of the ſaid dioceſs, with the approbation of the archbiſhop of the province, and the conſent of the reſpective patrons, incumbents, and the major part of the inhabitants of the ſaid pariſhes, to order the church to be rebuilt at Oran in the ſaid pariſh of Oran, and to unite the ſaid pariſhes of Oran and Drumtemple; and the ſaid pariſhes ſo united ſhall be called by the name of the pariſh of Oran; and the inhabitants of the ſaid united pariſh ſhall from time to time be liable to and chargeable with building and keeping in repair the ſaid church of Oran; which ſhall for ever be deemed and taken to be one pariſh to all intents and purpoſes whatſoever, any law or ſtatute to the contrary in any wiſe notwithſtanding.

Union of Tullomagymagh, Ballynecarrig, Ballyrogne, and Kelly's-town in Leighlin;

III. And whereas the ſeveral ancient pariſh-churches of Tullomagymagh, Ballynecarrig, Ballyrogne, and Kelly's-town, in the dioceſs of Leighlin and county of Catherlogh, have been for many years paſt ruinous: and whereas of late years near the center of the ſaid pariſhes, (*viz.*) at Stapleſtown in the ſaid pariſh of Ballynecarrig, there hath been a decent church built at the charge of the ſeveral inhabitants of the ſaid pariſhes: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the biſhop of the ſaid dioceſs, with the approbation of the archbiſhop of the province, and the conſent of the reſpective patrons, incumbent, and major part of the inhabitants of the ſaid pariſhes, to unite the ſaid pariſhes of Tullomagymagh, Ballynecarrigg, Ballycrogie, and Kellys-town in the dioceſs aforeſaid; and that the ſaid ſeveral pariſhes ſhall be and are hereby for ever united and made one, by the name of the pariſh of Stapleſtown, whereof the ſaid new erected and conſe-

by name of Stapleſtown.

crated church ſhall for ever be deemed and taken to be the pariſh-church of the ſaid ſeveral united pariſhes: and ſuch glebe or glebes, and lands, which now belong to ſuch reſpective pariſhes, ſhall henceforward belong to the pariſh of Stapleſtown after the death, ceſſion, or promotion of the preſent incumbent; ſaving and reſerving to the dean and chapter, and prebendaries of the ſaid dioceſs of Leighlin, and every of them, all their preſent rights, tyths, and intereſts in and to the ſaid pariſhes of Tullomagymagh, and Ballynecarrigg; as alſo the right, title, and intereſt of the reverend doctor Robert Elliot in and to the ſaid pariſh of Kellys-town during his incumbency. A. D. 1710. Chap. 12.

IV. And whereas there are ſeveral pariſh-churches in the dioceſs of Cloyne very inconveniently ſituated, ſome in remote parts of pariſhes and unions, and others very diſtant from the proteſtant inhabitants thereof: be it therefore enacted by the authority aforeſaid, That the pariſh-church of Church-town in the ſaid dioceſs, and in the patronage of the honourable Sir John Percivall, baronet, be removed to a more convenient place by the conſent of the ſaid patron, the incumbent, and the biſhop of the ſaid dioceſs for the time being, and with the approbation of the archbiſhop of the province, and the conſent of the major part of the inhabitants thereof.

Pariſh church of Churchtown in Cloyne to be removed to more convenient place.

V. And whereas the ſeveral pariſhes of Ballyoughtra, Mogely, and Cahirulton in the dioceſs of cloyne, have been held united by epiſcopal union for ſeveral years paſt, and are fit to be continued ſo united: be it therefore enacted, That it ſhall and may be lawful to and for the biſhop of the ſaid dioceſs, by and with the approbation of the archbiſhop of the province, and the conſent of the patrons, incumbents, and the major part of the inhabitants of the ſaid pariſhes, to unite the ſaid ſeveral pariſhes; and the ſaid pariſhes ſo united ſhall be known and called by the name of the pariſh of Caſtlemarter; and that it may be lawful to and for the biſhop and incumbent for the time being, with the approbation of the archbiſhop of the province, and of the major part of the inhabitants of the ſaid ſeveral pariſhes, to build and erect a new church at Caſtlemarter within the ſaid pariſh of Ballyoughtra, which ſhall be deemed and taken for the pariſh-church of the ſaid united pariſhes, to be built and kept in repair at the expence of the inhabitants of the ſaid ſeveral pariſhes: and that it ſhall and may be lawful to and for Henry Boyle, eſquire, to give and convey a convenient piece of ground for the ſcite of the ſaid church and church-yard, to be and remain thereunto for ever; the ſtatute concerning lands given in mortmain, or any other law or ſtatute whatſoever, to the contrary thereof in any wiſe notwithſtanding.

Union of Ballyoughtra, Mogely and Cahirulton, in Cloyne, by name of Caſtlemarter,

and a new church built,

the ground by Henry Boyle.

VI. And

A. D. 1710. Chap. 12.

Pariſhes of Iniſtar, Mathy, Garrycloyne, and Granagh, in Cloyne, for ſome time united, may be divided into 2 pariſhes, and another church built.

VI. And whereas the ſeveral pariſhes of Iniſtar, Mathy, Garrycloyne, and Granagh, in the dioceſs of Cloyne, have been for ſome time united, but are of too large extent, and the preſent church of Iniſtar at too great diſtance from many of the pariſhioners: and whereas the ſaid ſeveral pariſhes are of ſufficient value to maintain two incumbents: be it therefore enacted, That it may be lawful to and for the biſhop for the time being, with the approbation of the archbiſhop of the province, and the conſent of the patrons, incumbents, and major part of the pariſhioners of the ſaid ſeveral pariſhes, to divide the ſaid ſeveral pariſhes into two diſtinct pariſhes, and to build and erect another church at the expence of the pariſhioners of the ſaid reſpective pariſhes on ſome old foundation, or other place convenient within the ſaid pariſhes; which ſaid church ſhall be called by the name of the pariſh-church of Garrycloyne, and that the ſaid church of Iniſtar, and the ſaid church of Garrycloyne, ſo to be erected, ſhall after the death or removal of the preſent incumbent be deemed and taken to all intents and purpoſes whatſoever to be two diſtinct pariſh-churches, and to be kept in repair by the reſpective inhabitants of the ſaid reſpective pariſhes according to the ſaid diviſion; and that the rights of the reſpective patrons ſhall hereby be revived and preſerved, any law or ſtatute to the contrary thereof in any wiſe notwithſtanding.

A new pariſh church to be built in more convenient place in Aghada in Cloyne,

VII. And whereas the pariſh-church of Aghada, within the ſaid dioceſs of Cloyne, is conveniently ſituated for the inhabitants of the ſaid pariſh, and the pariſhes thereunto united: be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the biſhop of the ſaid dioceſs for the time being, with the approbation of the archbiſhop of the province, and the conſent of the patron, incumbent, and major part of the pariſhioners, to build and erect a new church in ſome more convenient place within the ſaid union; which ſaid church when built, and no other, ſhall be called the pariſh-church of Aghada, and from the time of its being ſo built, the ſame ſhall be and be deemed the only pariſh-church of the ſaid pariſh of Aghada, and the inhabitants and pariſhioners of the ſaid union obliged to repair the ſame as their ſaid pariſh-church.

and in Kilwatermoy, in Waterford,

VIII. And whereas the pariſh-church of Kilwatermoy in the dioceſs of Waterford is inconveniently ſituated for the pariſhioners and inhabitants of the ſaid pariſh: be it enacted by the authority aforeſaid, That it may be lawful to and for the biſhop of the ſaid dioceſs for the time being, with the approbation of the arch-biſhop of the province, and the conſent of the patron, incumbent, and the major part of the inhabitants of the ſaid pariſh, to

to build and erect a new church in ſome convenient place within the ſaid pariſh, the proprietor of the ſoil where ſuch church ſhall be built firſt conveying a ſufficient quantity of ground for ſuch church and church-yard to the uſe of the ſaid pariſh; and that the new church ſo to be built ſhall be and be deemed the pariſh church of the ſaid pariſh, to be built and kept in repair by the inhabitants and pariſhioners of the ſaid pariſh. A. D. 1710. Chap. 12.

and at Mogh in pariſh of Carrowgallen, in Kilmore.

IX. And whereas the pariſh-church of Carrowgallen in the dioceſs of Kilmore is in a ruinous condition, and inconveniently ſituated remote from the inhabitants of the ſaid pariſh: and whereas the inhabitants of the ſaid pariſh of Carrowgallen and the preſent incumbent, with the conſent of the biſhop, are deſirous that a new church be built in a more convenient place within the ſaid pariſh: be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the biſhop, with the approbation of the archbiſhop of the province, and the conſent of the patron, incumbent, and the major part of the inhabitants of the ſaid pariſh of Carrowgallen, to erect and build a new church at Mogh, lying and being within the ſaid pariſh, in the ſame place where an old church is now ſtanding, commonly called the church of Mogh, and which is and hath been an ancient burial place, at the charges of the ſaid pariſh of Carrowgallen; and that ſuch new church when built ſhall be conſecrated, and for ever deemed and reputed the only pariſh-church of Carrowgallen, to all intents and purpoſes whatſoever.

and in pariſh of Drumgagh, in Dromore.

X. And whereas the ancient pariſh-church of Drumgagh in the dioceſs of Dromore is very inconveniently ſituated in an out ſkirt of the ſaid pariſh, very remote from the town of Rathfryland, where are the greateſt number of the inhabitants of the ſaid pariſh: be it enacted by the authority aforeſaid, that it ſhall and may be lawful to and for the rector and incumbent, and pariſhioners of the ſaid pariſh for the time being, by and with the conſent and approbation of the archbiſhop of the province, the biſhop of the ſaid dioceſs for the time being, and patron, to build a new church in ſuch convenient place within the ſaid pariſh, as they ſhall think fit; the land and ground for ſuch new church and church-yard being firſt granted and conveyed by the proprietor or proprietors of the ſame to the uſe of the ſaid pariſh; which ſaid grant or conveyance the ſaid proprietor or proprietors are hereby enabled to make, the ſtatute of mortmain, or any other law or ſtatute to the contrary thereof, in any wiſe notwithſtanding; and the ſaid church, when built and conſecrated, for ever to be and remain the only pariſh-church of the ſaid pariſh of Drumgagh, to all intents and purpoſes whatſoever.

A. D. 1710. Chap. 12.

and in pariſh of Shankill, in Dromore,

XI. And whereas the ancient pariſh-church of Shankill in the dioceſs of Dromore is very inconveniently ſituated, and not large enough for the inhabitants of the ſaid pariſh: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the rector and incumbent of the ſaid pariſh for the time being, by and with the conſent and approbation of the archbiſhop of the province, the biſhop of the ſaid dioceſs of Dromore for the time being, and patron, by and with the conſent of the major part of the inhabitants of the ſaid pariſh, with the materials of the ſaid ancient church, and ſuch others as ſhall be further requiſite, to build a new and larger church in ſuch convenient place within the ſaid pariſh, as they ſhall think fit; the land and ground for the new intended church and church-yard being firſt granted and conveyed by the proprietor or proprietors of the ſame to the church-wardens of the ſaid pariſh for the time being, and to their ſucceſſors for ever, for the uſe of the ſaid pariſh; which ſaid grant or conveyance the ſaid proprietor or proprietors are hereby enabled to make, the ſtatute of mortmain, or any other law or ſtatute to the contrary thereof, in any wiſe notwithſtanding; and the ſaid church, when built and conſecrated, ſhall for ever be and remain the only pariſh-church of the ſaid pariſh of Shankill to all intents and purpoſes whatſoever.

and in the pariſh of Kilcomin, in Killalla.

XII. And whereas the walls of the ruined churches in the pariſhes of Kilmore and Kilcomin, in the dioceſs of Killala, are inconveniently ſituated, remote from the inhabitants of the ſaid pariſh: and whereas the inhabitants of the ſaid pariſhes of Kilmore and Kilcomin, and the preſent incumbent, with the conſent of the right reverend father in God William, lord biſhop of Killalla, are deſirous that a new church be built in a more convenient place within the ſaid pariſh; be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the inhabitants of the ſaid pariſhes, by and with the approbation of the archbiſhop of the province, and with the conſent of the biſhop of the dioceſs, to erect and build a new church on the lands of Drununclet and town of Broad-haven in the pariſh of Kilcomin; the proprietor of the ſaid lands firſt conveying a ſufficient quantity of ground for the ſaid church and a church-yard, to the church-wardens of the ſaid pariſh, and their ſucceſſors, for the uſe of the ſaid pariſh; which conveyance ſhall be effectual notwithſtanding the ſtatute of mortmain; and that ſuch new church when built, together with the church-yard, ſhall be conſecrated; and, when ſo conſecrated, ſhall be deemed and reputed the pariſh-church of the pariſhes of Kilmore and Kilcomin to all intents and purpoſes whatſoever.

XIII. And

A. D. 1710. Chap. 12.

XIII. And whereas the pariſh-church of Drumgoone in the dioceſs of Kilmore has been of a long time ruinous and out of repair, and is alſo inconveniently ſituated, being remote from the inhabitants of the ſaid pariſh, or ſome of them, have built a church or chappel at Coote-hill within the ſaid pariſh, and incloſed a church-yard thereunto contiguous, by and with the conſent of the biſhop of the dioceſs: be it enacted by the authority aforeſaid, That the ſaid church or chappel, and church-yard, now erected at Cootehill, be from henceforward deemed and taken as the pariſh-church and church-yard of Drumgoone pariſh, and be as ſuch repaired and repairable by the inhabitants of the ſaid pariſh from time to time, in like manner as other pariſh-churches in this kingdom are repaired, and under the ſame regulation; and alſo it ſhall and may be lawful to and for the honourable Thomas Coote, eſquire, ſecond juſtice of her Majeſty's court of Queen's-bench in Ireland, proprietor of the ſaid land, whereon the ſaid church or chappel, and church-yard as aforeſaid, erected, by any inſtrument in writing under his hand and ſeal for that purpoſe duly to be perfected, to convey to the church-wardens of the ſaid pariſh, and their ſucceſſors for ever, the ſaid church or chappel and church-yard; who are hereby enabled to take and receive ſuch grant, to the uſe and behoof of the ſaid church-wardens, and their ſucceſſors, for the ends and purpoſes aforeſaid, notwithſtanding the ſtatute of mortmain.

The church at Coote-hill to be the pariſh church of Drumgoone in Kilmore.

XIV. And whereas the pariſhes of Kiltullagh, Knocamagh, Becan, Aghamore, and Templetogher, in the dioceſs of Tuam, have been long held together by one incumbent, and are fit to be really united: and whereas all the churches in the ſaid ſeveral pariſhes are ruinous and inconveniently ſituated: and whereas the incumbent of the ſaid ſeveral pariſhes, together with the pariſhioners inhabiting therein, have by act of veſtry repreſented and deſired that a new church may be built in the market-town of Ballinlogh in the ſaid pariſh of Kiltullagh, for the greater conveniency of the pariſhioners of the ſaid ſeveral pariſhes, and his grace the lord archbiſhop of Tuam has approved thereof: and whereas Joſeph Mitchell, eſquire, has upon ſuch requeſt and approbation already provided materials towards the building of the ſaid church, and has promiſed to endow the ſame with twenty acres near the ſame for a glebe, and one acre for a manſion-houſe to be built thereon for the incumbent and his ſucceſſors, beſides one other acre for the church-yard: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the archbiſhop of the ſaid dioceſs, by and with the conſent of the patron, incumbent, and the major part of the inhabi-

Union of Kiltullagh, Knockamagh, Becan, Aghamore, and Templetogher in Tuam, by name of Kiltullagh, and a new church at Ballinlogh.

tants

A. D. 1710. Chap. 12.

tants of the ſaid pariſh, to unite the ſaid pariſhes; and the ſaid pariſhes ſo united to be and continue one pariſh, to be called and known by the name of the pariſh of Kiltullagh for ever; and ſuch church when finiſhed, endowed, and conſecrated, ſhall be and be deemed the only pariſh-church of the ſaid united pariſhes; and the ſaid archbiſhop or his ſucceſſors is hereby enabled to receive a conveyance for the uſe of the incumbent and his ſucceſſors for ever from the ſaid Joſeph Mitchell of the ſaid lands, notwithſtanding any ſtatute of mortmain; ſaving always to the Queen and the archbiſhop of Tuam ſuch right as they had before the ſaid union.

Lands conveyed by Jos: Mitchell,

ſaving to Queen and archbiſhop.

XV. And whereas the three pariſhes of Killmichaloge, Killmechue, and Killkavan in the dioceſs of Ferns, are part and parcel of the corps of the deanry of Ferns, and do lie contiguous, and are fit to be perpetually united: and whereas all the old churches of the ſaid pariſhes are utterly ruined and inconveniently ſituated for the inhabitants of the ſaid pariſhes: and whereas the church in the town of Newborough in the ſaid pariſh of Killmichaloge hath been lately rebuilt, and is in good repair, and conveniently ſituated for the inhabitants to reſort unto, and lies neareſt of any the aforeſaid churches to the center of the aforeſaid pariſhes: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the biſhop of the ſaid dioceſs, with the approbation of the archbiſhop of the province, and the conſent of the patron, dean and chapter of Ferns, and the major part of the inhabitants of the ſaid pariſhes, to unite the ſaid pariſhes; and the ſaid pariſhes ſo united ſhall be called by the name of the pariſh of Newborough, and be one pariſh to all intents and purpoſes whatſoever.

Union of Kilmichaloge, Killmechue, and Killkavan, in Ferns, by name of Newborough.

XVI. And whereas the ancient pariſh-church of Ennis-macſaint in the dioceſs of Clogher is ruinous, and ſituate in an iſland in Lough-Erin, and inacceſſible for a great part of the year, and that with the conſent of the biſhop of the dioceſs, the patron, incumbent, and major part of the inhabitants of the ſaid pariſh, a new church has been built at Drumenagh in the ſaid pariſh in a more convenient place, and was conſecrated, and the land whereon the ſaid church ſtands, with a church-yard and glebe, legally conveyed: be it enacted by the authority aforeſaid, That the ſaid Church of Drumenagh ſhall be deemed, reputed, and taken to be the pariſh-church of the ſaid pariſh of Ennis-macſaint to all intents and purpoſes whatſoever.

Church of Drumenagh to be the pariſh church of Ennis-macſaint, in Clogher.

XVII. And

XVII. And whereas the parish-church of Slane, in the diocese of Meath is now altogether ruinous, situate upon a very steep hill, in a place inconvenient for the parishioners to resort unto, and that the parishioners with the consent of the bishop desire leave to build a new church in a place more convenient within the said parish: be it enacted by the authority aforesaid, That it shall and may be lawful to and for the bishop of the said diocese, with the approbation of the archbishop of the province, and the consent of the rector, vicar, or other incumbent of the said parish for the time being, and of the patron and major part of the inhabitants thereof, to build a new church in such other convenient place within the said parish, as they shall think fit; the land for the church and church-yard being first conveyed by the proprietor of such place to the rector, vicar, or incumbent of the said parish, his or their successors for ever, who are hereby enabled to take and receive a grant and conveyance to them, and their successors, in trust for and to the use of the said parish, and that such new church, when built and consecrated, be reputed and remain the only parish-church of the said parish for ever.

A. D. 1710. Chap. 12.

New church to be built in parish of Slane, in Meath.

XVIII. And whereas the parishes of Caine and Killtome, both in the county of Roscommon and diocess of Elphin, lie very near and contiguous, and are fit to be united into one parish: and whereas there is no church built in either of the said parishes: and whereas Luke Dillon of Clonbrock, esquire, and Edmond Kelly of Skrigg, esquire, and John Kelly his son and heir apparent, are willing to convey such a proportion of land in the lands of Miltonpass within the said parish of Caine, as shall be sufficient for building the said church upon, and for making a curch-yard thereto: be it enacted by the authority aforesaid, That the said two parishes of Caine and Killtome shall for ever hereafter be united and esteemed one parish to all intents, purposes, and constructions, to be called the parish of Caine; and that the church, so to be built on some convenient place in the said town or lands of Miltonpass, be reputed and taken to be the parish-church of the said united parishes; the said Luke Dillon, Edmond Kelly, and John Kelly, or their heirs, first conveying a sufficient quantity of ground for the said church and church-yard, for the use of the said parish, notwithstanding the statute of mortmain.

Union of Caine and Killtome, in Elphin,

the church to be built at Miltonpass:

Land conveyed by Luke Dillon, and Edmond and John Kelly,

XIX. And whereas the parish of Donamon in the county of Galway and diocess of Elphin, being too small, and fit to be united to other parishes; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the bishop of the diocess

Union of Kilbegnet, Ballynekill, Kilcroan, and Donamon, in Elphin, or &c. by name of Donamon.

A. D. 1710. Chap. 12.

dioceſs of Elphin for the time being, by and with the approbation of the archbiſhop of the province, and with the conſent and agreement of the patrons, incumbent, and major part of the pariſhioners, to unite the pariſhes of Kilbegnett, Ballynekill, Kilcroan, and Donamon, or ſo many of the ſaid pariſhes as the ſaid archbiſhop, biſhop, or their ſucceſſors, patrons, and incumbents for the time being, and the major part of the pariſhioners ſhall hereafter think convenient; and that the ſaid pariſhes ſo united ſhall be called and known by the name of the pariſh of Donamon, and be one pariſh to all intents and purpoſes.

XX. And whereas the ancient pariſh-church of Killoſonan in the ſaid dioceſs of Elphin and county of Galway is in a ruinous condition, and inconveniently ſituated, remote from the inhabitants of the ſaid pariſh, and in a place almoſt environed with boggs, and the road to it unpaſſable: and whereas the inhabitants of the ſaid pariſh of Killoſonan, and the preſent incumbent, with the conſent of the lord biſhop of Elphin, are deſirous that a new church be built on the lands of Cappavarangy, near the town of Caſtleblackney, within the ſaid pariſh: and whereas Robert Blackney, eſquire, proprietor of the ſaid lands, hath conſented to ſet out two acres of land, in ſome convenient place on the ſaid lands, for building the ſaid church and church-yard, and a houſe for the incumbent, and to convey the ſame to the rector, vicar, or incumbent of the ſaid pariſh, his or their ſucceſſors for ever, for the uſe of the ſaid pariſh: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the inhabitants of the ſaid pariſh of Killoſolan, or the major part of them, by and with the conſent of the archbiſhop of the province, and of the biſhop, patron, and incumbent, to build a new church and church-yard on ſome convenient place within the ſaid pariſh on the lands of Cappavaroggy near the ſaid town of Caſtleblackney; the ſaid Robert Blackney, who is hereby impowered to grant the ſame, firſt conveying the ſaid two acres of land for the ſaid church and church-yard, and miniſters houſe, to the rector, vicar, or incumbent of the ſaid pariſh, and their ſucceſſors for ever, who are hereby enabled to take and receive a grant of the ſame to them and their ſucceſſors, notwithſtanding the ſtatute of mortmain, or any ſettlement made by the ſaid Robert Blackney or his anceſtors thereof, in truſt for and to the uſe of the ſaid pariſh; and that ſuch new church, when built and conſecrated, be reputed and remain the pariſh-church of the ſaid pariſh for ever, and that it be called the pariſh-church of Caſtleblackney *alias* Killoſolan, and deemed as ſuch to all intents and purpoſes whatſoever.

New church to be built on Cappavaroggy, in Elphin, by name of Caſtleblackney *alias* Killoſolan,

conveyance by Robert Blackney.

XXI. And

A. D. 1710. Chap. 12.

XXI. And whereas the parishes of Ballymackward and Clonkeen, in the diocese of Clonfert and county of Galway, fit to be united, and it is fit that a church be rebuilt on the lands of Ballymackward, where the old church stands, for the conveniency of the inhabitants of the parishes: be it enacted by the authority aforesaid, That it shall and may be lawful to and for the archbishop of the province, and bishop of the said diocese, by and with the consent of the patrons, incumbent, and the inhabitants and major part of them, from and immediately after the avoidance of the said churches, or either of them, by the death, cession, or promotion of either of the incumbents, of either of the said parishes of Ballymackward and Clonkeen, to unite the said parishes; and that the said parishes so united shall be one parish for ever, by the name of the parish or union of Ballymackward, and the surviving incumbent of the said united parish shall be the incumbent of both the said united parishes.

Union of Ballymackward and Clonkeen, in Clonfert, by name of Ballymackward.

XXII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the parishioners of the said united parishes hereafter from time to time to proceed by act of vestry, or otherwise, for rebuilding of the said church and repairing the same, and to do all other things, as any other parish or union can do or could do.

XXIII. And whereas the parish church of the parishes of Drakes-town, Killpatrick, and Knough, in the diocese and county of Meath, formerly united and made one intire parish by the name of the parish or rectory of Drakes-town, is inconveniently situated for the inhabitants of the said united parishes to resort unto for divine service, and in a ruinous condition, and scarce accessable for a considerable part of the year: and whereas the church of Killpatrick is more convenient and in very good repair, and near the center of the said united parishes: be it enacted by the authority aforesaid, That it shall and may be lawful for the bishop of the said diocese, with the approbation of the arch-bishop of the province, and with the consent of the patrons, incumbent, and major part of the parishioners, to constitute the said church of Killpatrick to be for ever hereafter the parish-church of the said united parishes, or rectory of Drakes-Town, Killpatrick and Knough, to all intents and purposes whatsoever.

Church of Killpatrick to be the parish church of the union of Drakestown, Killpatrick and Knough, in Meath.

XXIV. And whereas the old church of the parish of Kilsaran, in the county of Lowth and diocese of Armagh, is ruinous, and has been so of a long time: and whereas a new church was built near forty years ago at Gernons-town, *alias* Castlebellingham,

The church at Gernonstown *alias* Castlebellingham to be the parish church of Kilsaran, in Armagh.

A. D. 1710. Chap. 12.

lingham in the ſaid pariſh, within a quarter of a mile of the ſaid old pariſh church, and a church-yard has been ſet out thereto, and the ſame has been conſecrated and been made uſe of ever ſince, and ſtill is made uſe of for performing divine ſervice and other offices therein, according to the uſes and ceremonies of the church of Ireland as by law eſtabliſhed: and whereas the ſame hath been repaired and beautified from time to time, as occaſion required, by order in the veſtries held in the ſaid church at Gernons-town, ever ſince the ſaid church has been built there, and the ſaid church-yard ſet out: to prevent therefore all doubts and diſputes which may hereafter ariſe concerning the removal of the ſaid church, be it enacted, That the ſaid church at Gernons-town, *alias* Caſtlebellingham, be for ever hereafter taken and deemed to be the pariſh church of Kilſaran to all intents and purpoſes whatſoever, any law to the contrary notwithſtanding; and the old church-yard and place, where the ſaid old church ſtands, be at the charge of the pariſhioners of the ſaid pariſh fenced in, and preſerved from prophane or common uſage.

All the antient church yards to be kept fenced at charge of the pariſhes.

XXV. And be it further enacted by the authority aforeſaid, That the ancient ſcites of all the pariſh churches and church-yards in this act mentioned be kept incloſed, and apart from prophane uſes, from time to time by ſtone walls or other ſufficient fences for that purpoſe, to be built and made about the ſaid church-yards at the charge and expence of the pariſhioners of each reſpective pariſh.

Materials of the old churches may be uſed for the new.

XXVI. Be it further enacted by the authority aforeſaid, That where any new church is by virtue of this act to be built in any pariſh or union of pariſhes, there is or are one or more ancient church or churches that in ſuch caſe it may be lawful to and for the pariſhioners and inhabitants of ſuch pariſh, or union of pariſhes, to remove and make uſe of the materials of all ſuch ancient church or churches for and towards the building ſuch new intended church, and for no other uſe whatſoever.

This a publick act.

XXVII. And be it further enacted by the authority aforeſaid, That this act ſhall be taken and eſteemed a publick and general act by all judges in all courts in this kingdom.

Patrons at time of the union may agree as to right of preſentation.

XXVIII. Provided always, and be it further enacted by the authority aforeſaid, That where two or more pariſhes ſhall be united according to the intent and directions of this act, and where the right of preſentation to the ſaid pariſhes is now or at the time of ſuch union may belong to ſeveral patrons reſpectively, who have or may have right to preſent to the ſame, as the churches in the ſaid reſpective pariſhes may become void, it ſhall

and may be lawful to and for ſuch patrons, at the time when they ſhall conſent to the uniting of the pariſhes as aforeſaid, to agree in whom, and in which of them, the ſaid patrons, the right of preſentation to ſuch pariſhes ſo united ſhall be and continue after ſuch union is made and ſettled; and how often, and what turn, each patron ſhall preſent to the ſaid united pariſhes; and ſuch agreement, ſo to be made between all the ſaid patrons under their and every of their hands and ſeals, ſhall be inrolled in her Majeſty's high court of Chancery, and ſhall by virtue of this act bind and conclude all the ſaid patrons parties to the ſaid agreement, their heirs and aſſigns, and ſucceſſors, reſpectively for ever; ſaving to the Queen's moſt excellent Majeſty, her heirs and ſucceſſors, all ſuch right, title, intereſt, and property, which they have or may claim in any pariſhes, to be united in purſuance of this act, as fully and amply as if this preſent act had not been made.

A. D. 1710. Chap. 12.

Said agreement to be inrolled in Cancery, and concluſive.

Saving to the Queen.

A. D. 1712.

THE ELEVENTH YEAR OF ANNE.

CHAP. I.

An Act for granting to her Majesty an additional duty on beer, ale, strong waters, tobacco, and other goods and merchandizes.

WE your Majesty's most dutiful and loyal subjects, the commons of Ireland in Parliament assembled, being deeply sensible of your Majesty's indulgent care of and tender concern for the happiness and prosperity of this your kingdom, expressed in so many remarkable instances, and of your gracious assurances that you will preserve to us those inestimable blessings, which we enjoy under your Majesties most happy government, in grateful acknowledgement thereof, and for the support of your establishment with honour, and as an effectual provision for those matters, which your Majesty in your great wisdom has thought fit to recommend to our consideration, do most chearfully and unanimously give and grant to

A. D. 1712. Chap. 1.

to your Majeſty, the ſeveral rates and additional duties of exciſe herein after mentioned; and do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of December one thouſand ſeven hundred and eleven there ſhall be throughout this your Majeſty's kingdom of Ireland raiſed, levied, collected and paid to your Majeſty, your heirs and ſucceſſors, during the ſpace of two years, commencing the twenty fifth day of December one thouſand ſeven hundred and eleven, and ending the twenty fourth day of December one thouſand ſeven hundred and thirteen, for and upon all beer, ale, *aqua vitæ*, and ſtrong-waters, or ſpirits, that ſhall be brewed or made within this kingdom for ſale, and upon all tobacco and muſlins, and upon ſilks and ſtuffs made or manufactured in Perſia, China, or the Eaſt-Indies, the ſeveral rates and duties herein after mentioned: (that is to ſay) for every thirty two gallons of beer or ale of above ſix ſhillings the barrel price, brewed within this kingdom by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, one ſhilling and ſix pence, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity: for every thirty two gallons of beer or ale of ſix ſhillings the barrel, or under, brewed within this realm by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, three pence, to be paid by the common brewer, or ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity: for every gallon of *aqua vitæ*, ſtrong-waters, or ſpirits, made or diſtilled within this realm for ſale, the ſum of three pence, to be paid by the firſt maker or diſtiller thereof: for every pound weight of tobacco imported during the time aforeſaid into this realm, three pence half-penny: for every yard of muſlin imported into this kingdom, the ſum of ſix pence; and for every yard of all ſilks and ſtuffs made or manufactured in Perſia, China, or the Eaſt-Indies, imported into this kingdom during the time aforeſaid, the ſum of one ſhilling and ſix pence.

II. And be it further enacted by the authority aforeſaid, That from and after the firſt day of October, in the year of our Lord one thouſand ſeven hundred and eleven, that the additional duty of twenty ſhillings *ſterl.* for every hundred pounds of moloſſes, that ſhall be imported into this kingdom from and after the ſaid firſt day of October one thouſand ſeven hundred and eleven, ſhall be continued and be paid to her Majeſty, her heirs and ſucceſſors, for the term of ſeven years commencing the ſaid ſecond day of October one thouſand ſeven hundred and eleven, and ending the firſt day of October one thouſand ſeven hundred and eighteen, and from thence to the end of the nex tſeſſion of Parliament, after the expiration of the ſaid term of ſeven years.

III. And be it further enacted by the authority aforeſaid, That the ſaid ſeveral duties, rates, and impoſitions, hereby granted, and charged as well upon beer, ale, ſpirits, *aqua vitæ* and ſtrong-waters, as upon tobacco, muſlins, ſilks, and ſtuffs, ſhall be raiſed, levied, collected, and paid to her Majeſty, her heirs and ſucceſſors, during the time aforeſaid, over and above all other duties payable for the ſame, by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by virtue of one other act made in the ſaid fourteenth year of the reign of the ſaid King Charles, intituled, *An act for ſettleing the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors; the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland according to a book of rates hereunto annexed.*

14 & 15 C. 2. 8. & 9.

IV. And

IV. And be it further enacted by the authority aforeſaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauſes, matters and things, which in and by the ſaid act of Parliament, intituled, *An act for the ſettleing of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein incerted*, are provided, ſettled or eſtabliſhed, for raiſing, levying, collecting, recovering, adjudging, or aſcertaining, the duties thereby granted, ſhall be exerciſed, practiſed, applied, uſed, levied, recovered, and put in execution, for the raiſing, levying, collecting, recovering and paying all and ſingular the duties and impoſitions by this act granted and impoſed upon the ſeveral liquors and other commodities herein mentioned and expreſſed, as fully and effectually to all intents and purpoſes as if all and every of the ſaid powers, authorities, rules, directions, methods, penalties, forfeitures, matters, clauſes and things, were particularly repeated and again enacted in the body of this preſent act, with the like liberty to appeal to and for the party grieved, as in and by the ſaid act of exciſe is provided.

V. And be it further enacted by the authority aforeſaid, That the ſeveral ſums hereafter mentioned be paid out of the aforeſaid additional duties and aids to the perſons herein after mentioned: (that is to ſay,) two hundred pounds *ſterl.* to Thomas Tilſon the elder, clerk of the houſe of commons; one hundred and fifty pounds *ſterl.* to Thomas Tilſon the younger, another of the clerks of the houſe of commons: two hundred pounds *ſterl.* to Bruen Worthington clerk aſſiſtant; two hundred pounds *ſterl.* to Richard Povey ſerjeant at arms attending the commons; two hundred and fifty pounds *ſterl.* to Daniel Golborne and John Knightly clerks, attending the committees, to be equally divided between them; and fifty pounds *ſterl.* to George Spike door-keeper of the houſe of commons, as rewards for their ſeveral ſervices and attendances this ſeſſion of Parliament; which ſaid ſeveral ſums are to be paid by the vice-treaſurer or receiver-general of this kingdom, without any further or other warrant to be ſued for, had, and obtained in that behalf.

CHAP. II.

An Act for the more effectual preventing of frauds committed by Tenants.

4 G. 2. 28. *Eng.* 4 G. 1. 5. 8 G. 1. 2. 5 G. 2. 4. 25 G. 2. 13.

Tenants wilfully holding over after expiration of their terms, demand, and notice in writing to deliver poſſeſſion, ſhall pay double yearly value,

FOR ſecuring to leſſors and landlords their juſt rights, and to prevent frauds frequently committed by tenants; be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That in caſe any tenant or tenants for any term for life, lives, or years, or other perſon or perſons, who are or ſhall come into poſſeſſion of any lands, tenements, or hereditaments, by, from, or under, or by colluſion with ſuch tenant or tenants ſhall willfully hold over any lands, tenements, or hereditaments after the determination of ſuch term or terms, and after demand made, and notice in writing given for delivering the poſſeſſion thereof by his or their landlords or leſſors, his or their agent or agents thereunto lawfully authorized, then and in ſuch caſe ſuch perſon or perſons, ſo holding over, ſhall for and during

A. D. 1712. Chap. 2.

the time he, ſhe, and they, ſhall ſo hold over, or keep poſſeſſion of the ſaid lands, tenements, and hereditaments, as aforeſaid, pay and forfeit to the landlord or landlords, leſſor or leſſors, his, her, or their heirs, executors, adminiſtrators, or aſſigns, or to ſuch perſon or perſons, to whom the immediate reverſion of ſuch lands, expectant on the determination of ſuch leaſe, ſhall reſpectively belong, double the yearly value of the lands, tenements, and hereditaments, ſo detained for ſo long time as the ſame are detained, to be recovered in any of her Majeſty's courts of record by action of debt or treſpaſs, whereunto the defendant or defendants ſhall be obliged to give ſpecial bail, againſt the recovering of which ſaid penalty there ſhall be no relief in equity.

by *debt* or *treſpaſs*, 25 *G.* 2. 13. *by civil bill where not above* 20 *s.*

Defendant to give ſpecial bail,

and no relief in equity,

and no privilege of Parliament, 8 *G.* 1. 2.

II. And whereas great inconveniencies do frequently happen to leſſors and landlords, in caſes of re-entry for non-payment of rent, by reaſon of the many niceties that attend re-entries at common law: and foraſmuch as when a legal re-entry is made, the landlord or leſſor muſt be at the expence, charge, and delay of recovering in ejectment, before he can obtain the actual poſſeſſion o the demiſed premiſſes; and it often happens, that after ſuch a re-entry made the leſſee or his aſſignee upon one or more bills filed in a court of equity not only holds out the leſſor or landlord by an injunction from recovering the poſſeſſion, but likewiſe pending the ſaid ſuit do run much more in arrear, without giving any ſecurity for the rents due, when the ſaid re-entry was made, or which ſhall or do afterwards incur: for remedy whereof be it enacted by the authority aforeſaid, That in all caſes between landlord and tenant, from and after the five and twentieth day of March in the year of our Lord one thouſand ſeven hundred and twelve, as often as it ſhall happen, that more than one half years rent ſhall be in arrear, and the landlord or leſſor, to whom the ſame is due, hath right by law to re-enter for the non-payment thereof, ſuch landlord or leſſor ſhall and may without any formal demand or re-entry ſerve a ſummons in ejectment for the recovery of the demiſed premiſſes; which ſummons in ejectment ſhall ſtand in the place and ſtead of a demand and re-entry; and in caſe of judgment againſt the caſual ejector, or nonſuit for not confeſſing leaſe, entry, and ouſter, it ſhall be made appear to the court, where the ſaid ſuit is depending, by affidavit, or be proved upon the tryal, in caſe the defendant appears, that more than half a years rent was due before the ſaid ſummons was ſerved, and that no ſufficient diſtreſs was to be found on the demiſed premiſſes countervailing the arrears then due, and that the leſſor or leſſors in ejectment had power to re-enter; then and in every ſuch caſe, the leſſor or leſſors in ejectment ſhall recover judgment and execution, in the ſame manner as if the rent in arrear had

Where more than one half years rent due, ſummons in ejectment ſhall ſtand inſtead of re-entry,

and where no ſufficient diſtreſs, &c. 4 *G.* 1. 5. *altered.*

had been legally demanded, and a re-entry made; and in caſe the leſſee or leſſees, his or their aſſignee or aſſignees, or other perſon or perſons claiming or deriving under the ſaid leaſes, ſhall permit and ſuffer judgment to be had and recovered on ſuch ejectment, and execution to be executed thereon, without paying the rent and arrear together with full coſts, and without filing any bill or bills for relief in equity within ſix calendar months after ſuch execution executed, then and in ſuch caſe the ſaid leſſee and leſſees, his or their aſſignee or aſſignees, and all other perſons claiming and deriving under the ſaid leaſe, ſhall be barred and foreclоſed from all relief or remedy in law or equity, other than by writ of error for reverſal of ſuch judgment, in caſe the ſame ſhall be erroneous; and the ſaid landlord, or leſſor, ſhall from thenceforth hold the ſaid demiſed premiſſes diſcharged from ſuch leaſe; and if on ſuch ejectment verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall be nonſuited therein, except for the defendant or defendants not confeſſing leaſe, entry, and ouſter; then in every ſuch caſe ſuch defendant or defendants ſhall have and recover his and their full coſts.

A. D. 1712. Chap. 2.

And leſſee, ſuffering judgment and execution, without paying arrear with full coſts, and without filing a bill in ſix months after execution, barred except by *error*.

If verdict for defendant, or plaintiff nonſuit, (except for not confeſſing leaſe, &c.) defendant to have full coſts.

III. Provided always, That nothing herein contained ſhall extend to barr the right of any mortgage or mortgages of ſuch leaſe, or any part thereof, who ſhall not be in poſſeſſion.

Mortgagee not in poſſeſſion, not barred.

IV. And be it further enacted by the authority aforeſaid, That in caſe the ſaid leſſee or leſſees, his or their aſſignee or aſſignees, or other perſon or perſons claiming any right, title, or intereſt, in law or equity, of, in, or to the ſaid leaſe, ſhall within the time aforeſaid file one or more bill or bills for relief in any court of equity, ſuch perſon or perſons ſhall not have or continue any injunction againſt the proceedings at law on ſuch ejectment, unleſs he or they do or ſhall, within forty days next after a full and perfect anſwer ſhall be filed by the leſſor or leſſors of the plaintiff in ſuch ejectment, bring into court, and lodge with the proper officer, ſuch ſum and ſums of money as the leſſor or leſſors of the plaintiff in the ſaid ejectment ſhall in his or their anſwer ſwear to be due, and in arrear, over and above all juſt allowances, and alſo the coſts taxed in the ſaid ſuit, there to remain till the hearing of the cauſe, or to be paid out to the leſſor or landlord on good ſecurity, ſubject to the decree of the court; and in caſe ſuch bill or bills ſhall be filed within the time aforeſaid, and after execution is executed the leſſor or leſſors of the plaintiff ſhall be accountable only for ſo much, and no more, as he or they ſhall really and *bona fide* without fraud, deceit, or wilful neglect, make of the demiſed premiſſes from the time of his or their entring into the actual poſſeſſion thereof; and if what ſhall be ſo made by the leſſor or leſſors of the plaintiff happen

8 *G.* 1. 2. *mortgage to be regiſtered.*

Leſſee filing a bill for injunction, ſhall in 40 days after full anſwer lodge in court arrear ſworn due, and taxed coſts, or to be paid to landlord on ſecurity.

If filed after execution, leſſor accountable only for what made without fraud or wilful neglect:

A. D. 1712. Chap. 2.

happen to be leſs than the rent reſerved on the ſaid leaſe, then the ſaid leſſee or leſſees, his or their aſſignee or aſſignees, before he or they ſhall be reſtored to his or their poſſeſſion or poſſeſſions, ſhall pay ſuch leſſor or leſſors, or landlord or landlords, what the money, ſo by them made, fell ſhort of the reſerved rent for the time ſuch leſſor or leſſors of the plaintiff, landlord, or landlords, held the ſaid lands.

leſſee to pay ſo much as it falls ſhort of rent reſerved.

V. Provided always, and be it further enacted by the authority aforeſaid, That if the tenant or tenants, his or their aſſignee or aſſignees, do or ſhall at any time before the tryal in ſuch ejectment pay or tender the leſſor or landlord, his executors or adminiſtrators, or his or their agent or attorney in that cauſe, all the rent and arrears, together with the coſts, then and in ſuch caſe all further proceedings on the ſaid ejectment ſhall ceaſe and be diſcontinued; and if ſuch leſſee or leſſees, his or their executors, adminiſtrators, or aſſigns, ſhall upon ſuch bill filed as aforeſaid be relieved in equity, he and they ſhall have, hold, and enjoy the demiſed lands according to the leaſe thereof made, without any new leaſe to be thereof made to him or them.

Proceedings in ejectment to ceaſe, on tender of arrears and coſts before trial.

Leſſee, on relief in equity, to enjoy without a new leaſe.

VI. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, who from and after the twenty fifth day of March one thouſand ſeven hundred and twelve ſhall take any aſſignment of all the reſidue of any term for years, or life, or lives, their executors, or adminiſtrators, ſhall be liable to all the covenants, whereunto the leſſees, their executors and adminiſtrators, were liable by or by vertue of the ſaid leaſes.

Aſſignees liable to covenants in the leaſe.

VII. And whereas the remedy for recovering rents-ſeck, rents of aſſize, and chief rents, are tedious and difficult: be it therefore enacted by the authority aforeſaid, That from and after the five and twentieth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and twelve, all and every perſon or perſons, bodies politick and corporate, ſhall and may have the like remedy by diſtreſs, and by impounding and ſelling the ſame, in caſes of rent-ſeck, rents of aſſize, and chief-rents, which have been duly anſwered or paid for the ſpace of three years, within the ſpace of twenty years, before the firſt day of this preſent ſeſſion of Parliament, or ſhall be hereafter created, as in caſe of rent charges; any law or uſage to the contrary notwithſtanding.

Like remedy by diſtreſs, *&c.* for rent-ſeck, rents of aſſize and chief rents as for rent charge.

VIII. Provided always, That no proceedings by virtue of this act for breach of any condition ſhall prejudice the right or title of any infant, *femme covert*, perſon being *non compos mentis*, or being out of her Majeſty's dominion.

Not to prejudice right of infant, *feme covert*, *non compos*, out of the kingdom.

CHAP.

CHAP. III.

An Act to enable guardians and others to renew leaſes for lives.

WHEREAS ſeveral perſons have heretofore made, and hereafter may make, leaſes for one or more life or lives, of ſeveral lands, tenements, and hereditaments in this kingdom, with covenants and agreements in ſuch leaſes for renewing the ſame from time to time, on the tender and payment of ſome fine certain, on the death of any life or lives, in ſuch leaſe or leaſes mentioned, by adding ſuch one or more new life or lives, on failure of the life or lives in being, within the reſpective times in ſuch agreements and covenants mentioned, as the ſeveral leſſee or leſſees in ſuch leaſe or leaſes ſhall nominate: and whereas, through one pretence or other, on the fall or failure of any life or lives in being, the leſſee or leſſees are greatly delayed, before he or they can obtain any renewal according to the covenants and agreements in their leaſes, to their very great diſcouragement: for remedy whereof be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if it ſhall ſo happen, that any perſon or perſons, who in purſuance of ſuch agreements for renewal in ſuch leaſes contained, or to be contained, ought to make ſuch new leaſe or leaſes as have been or ſhall be agreed to be made, ſhall be under any diſability ſo to do by reaſon of infancy, coverture, or *non compos mentis*, that then and in every ſuch caſe (that is to ſay) in caſe of diſability by reaſon of infancy, or being under age, by the direction of the high court of Chancery, or the court of Exchequer, ſignified by an order made upon hearing all parties concerned, on the petition of ſuch leſſee or leſſees; and it ſhall and may be lawful to and for the guardian or guardians of ſuch infant or perſon under age, upon ſuch leſſee or leſſees tendering the fine or fines agreed on in ſuch leaſe, and performing all ſuch matters and things as by the ſaid covenants and agreements ought to be performed on his or their part and behalf previous to ſuch renewal, in ſuch manner as ſhall by ſuch order be directed, to renew ſuch leaſe or leaſes, by adding ſuch new life or lives, as ſhall be named by the ſaid leſſee or leſſees, according to the ſaid covenants and agreements; and ſuch guardian or guardians are

Where perſons who ought to renew leaſes for lives are under diſability,

If of infancy, guardian ſhall on order of Chancery or Exchequer, renew, leſſee performing his covenants.

A. D. 1712. Chap. 3.

hereby required to renew ſuch leaſe or leaſes, by putting in ſuch new life or lives, as ſhall be ſo named unto them as aforeſaid, while the infant or minor of ſuch guardian or guardians ſhall be under ſuch diſability of infancy, or under age.

If coverture beyond ſea, or *non compos*, renewal to be by a maſter of Chancery.

II. And be it enacted by the authority aforeſaid, That in all caſes where the perſon or perſons, who by covenant or agreement are obliged to make ſuch renewals, are or ſhall be diſabled to renew by reaſon of being under coverture, beyond the ſeas, or *non compos mentis*, it ſhall and may be lawful to and for the lord chancellor, or commiſſioner or commiſſioners of the great ſeal of this kingdom for the time being, upon petition or complaint made to him or them in the high court of Chancery, upon payment of the fine, and ſuch other ſum or ſums of money as ought to be paid upon ſuch renewal, for the uſe of the perſon or perſons intituled to the ſame, and upon the leſſee or leſſees doing and performing all and every ſuch matters and things, as by the ſaid covenants or agreements in the ſaid leaſe or leaſes ought to be done or performed by him or them previous to ſuch renewal, to order or appoint ſuch renewal or renewals to be made by one of the maſters of the ſaid court of Chancery, to be nominated and appointed by the ſaid lord chancellor, or commiſſioner or commiſſioners of the great ſeal for the time being; and ſuch maſter ſo nominated and appointed, and alſo ſuch guardian and guardians as aforeſaid, ſhall make and execute ſuch deed of renewal in the name of the perſon or perſons, who ought to have renewed the ſame; which deed or deeds of renewal ſo made and executed by the ſaid guardian or guardians, maſter or maſters, counter-parts thereof being duly perfected by the leſſee or leſſees, for the uſe and benefit of the perſon or perſons having the reverſion and inheritance of ſuch lands, tenements, or hereditaments, compriſed in ſuch deed or deeds, ſhall be as good and effectual in law and equity to all intents and purpoſes, as if the perſon or perſons under age had been of full age, and had executed the ſame, or as if the other perſon or perſons under ſuch diſability had not been ſo diſabled, and had executed the ſame.

To be in name of the perſon, who ought to have renewed.

Counter-part by leſſee,

III. Provided ſuch perſon or perſons under age, or under ſuch diſability as aforeſaid were at the time of the renewal of ſuch leaſe compellable in law or equity, to make ſuch renewal.

A. D. 1712.

CHAP. IV.

An Act for the more effectual preventing the ingroſſing, foreſtalling, aud regrating of coals, imported into this kingdom.

WHEREAS ſeveral attempts have been lately made to erect a monopoly of coals in the city of Dublin, and other cities and towns corporate in this kingdom, by ingroſſing great quantities of coals, and buying the ſame before ſuch coals were brought up to the publick keys of ſuch cities and towns corporate, and ports adjacent, to the known and proper places for vending ſuch coals; whereby the importers and owners of ſuch coals have been greatly diſcouraged from importing ſuch coals, and often neceſſitated to ſell entire fleets of ſuch coals to the perſons engaged in ſuch monopolies at low prices, and her Majeſty's ſubjects of this kingdom at the ſame time forced to pay exceſſive prices for ſuch coals to the ingroſſers thereof: therefore for the encouragement of the importation of coals, and remedying and preventing the miſchiefs ariſing by ſuch monopolies, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the firſt day of November one thouſand ſeven hundred and eleven, it ſhall not be lawful for any perſon or perſons, bodies politick or corporate, to treat, buy, or contract for, any quantity of coals that ſhall be imported into the harbour or port of Dublin to be ſold, until ſuch coals ſhall be brought up to ſome publick key or keys of the ſaid city, and there expoſed to ſale; or to treat, buy, or contract for, any quantity of coals, that ſhall be imported into any harbour or port of any other city or town corporate to be ſold, before ſuch coals ſhall be brought to the publick key or keys, or other publick places uſed for vending thereof.

II. And be it further enacted by the authority aforeſaid, That no perſon or perſons, bodies politick or corporate whatſoever, ſhall, from and after the ſaid firſt day of November one thouſand ſeven hundred and eleven, buy, and lay up in yards or elſewhere, either ſingly, on his, her, or their own account, or in partnerſhip with any other, or by any other perſon or perſons in truſt for him, her, or them, more than one thouſand tun of coals for retail in any one year; and in caſe any perſon or perſons, bodies politick or corporate, ſhall either treat, buy, or contract for, any ſuch coals, before they be brought to the ſaid publick keys, or places before mentioned, or ſhall buy and lay up in yards or elſewhere in any one year more than one thouſand tuns for retail, as aforeſaid, every ſuch perſon or perſons ſhall for every ſuch offence forfeit double the value of ſuch coals, which ſhall be treated for, bought, or contracted for, before they be brought to the ſaid publick keys or places; and of ſuch coals that ſhall be ſo bought in any one year, over and above the ſaid one thouſand tun, to be recovered in her Majeſty's courts of Queen's-bench, Common-pleas, or Exchequer, by information or action of debt; one moiety of the forfeitures ariſing within the bills of mortality of the city of Dublin to go to the perſon or perſons, who ſhall ſue for the ſame; and the other moiety thereof to be applied to the uſe of the workhouſe in the ſaid city; and one moiety of all other ſuch forfeitures to the uſe of ſuch perſon or perſons, who ſhall ſue for the ſame; and the other moiety to the miniſter and church-wardens of the reſpective pariſhes, wherein ſuch offence ſhall be committed, for the uſe of the poor in the ſaid pariſhes, to be accounted for by the ſaid miniſter and church-wardens as in caſes of pariſh money; in which information or action no protection, eſſoin, or wager of law ſhall be allowed, and but one imparlance.

III. And be it further enacted by the authority aforeſaid, That if any perſons ſhall after the time aforeſaid enter into any combination or agreement for inhanſing the prices of coals, ſuch perſon or perſons, being lawfully convicted thereof on any

A. D. 1712. Chap. 4.

any information or indictment, ſhall for every ſuch offence forfeit the ſum of fifty pounds; one moiety thereof to the miniſter and church-wardens for the uſe of the poor in the pariſh, where ſuch offence ſhall be committed, and the other moiety to the informer.

IV. And for the further prevention of all combination and clandeſtine practices that may be uſed to elude the remedy deſigned by this act, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the informer or plaintiff in ſuch action to exhibit perſonal interrogatories againſt ſuch of the defendants in ſuch information or action, as he ſhall think fit, in the court where ſuch ſuit or information ſhall depend, and thereby oblige ſuch defendant or defendants on their corporal oaths to diſcover and ſet forth when and where ſuch defendant or defendants, or any in truſt for them or either of them, or in partnerſhip with them or either of them, or by or with their or either of their direction or privity, firſt contracted for or bought ſuch coals, and what quantities of coals they or any of them, or any in truſt for them or either of them, or in partnerſhip with them or either of them reſpectively, have bought or retailed within twelve months before ſuch ſuit brought, and the names of ſuch partners, truſtees, agents, and perſons, who were employed or concerned in the contracting, buying, or retailing thereof, and whether there has been any and what contract, agreement, or combination, by or between him, them, or any of them, and any and what other perſon or perſons whatſoever, and who by name, touching the ingroſſing or ſetting the price or prices of coals, to be by them or any of them reſpectively retailed or ſold; to which interrogatories ſuch defendant or defendants ſhall put in a full and diſtinct anſwer on his and their oaths, and ſhall not by plea or demurrer cover or conceal the ſame; any law or uſage to the contrary notwithſtanding; which oath the court, where ſuch ſuit ſhall be pending, ſhall be and is hereby impowered to adminiſter, and to grant one or more attachments againſt ſuch defendant or defendants, who ſhall neglect or refuſe to make ſuch anſwer on his or their oaths as aforeſaid.

V. Provided always, and be it nevertheleſs enacted by the authority aforeſaid, That upon ſuch anſwer and diſcovery the perſon or perſons, who ſhall ſo anſwer and diſcover as aforeſaid, ſhall be acquitted, indemnified, and diſcharged from any further proſecution in the ſaid ſuit and information, and from any puniſhment, forfeiture or penalty, which he or they may have incurred for or by reaſon of any matter or thing diſcovered in ſuch anſwer to ſuch interrogatories, and his or their names ſhall by order of the ſaid court be ſtruck out of ſuch ſuit or information, and he or they ſhall and may be examined as a witneſs or witneſſes againſt the other defendants or perſons concerned; any former or other ſtatute, law, or uſage, or any thing in theſe preſents to the contrary thereof in any wiſe notwithſtanding.

4 *Anne* 8, made perpetual by 6 *Anne* 12, in part repealed.

VI. And for the encouragement of owners, maſters, and purſers of coal-ſhips to bring up their coals to the publick keys and places aforeſaid, there to be fairly expoſed to ſale; be it enacted by the authority aforeſaid, That the ſeveral clauſes in the ſtatute made in this kingdom in her Majeſty's reign, intituled, *An act to regulate the taking and exacting tolls throughout this kingdom, and to prevent ingroſſing coals in the city of Dublin*; which ſtatute is made perpetual by an act made in the ſixth year of her Majeſty's reign, intituled, *An act for the continuing and perpetuating of diverſe laws and ſtatutes heretofore temporary, and for amending of the law in relation to batter caſks*, whereby the time is limitted and reſtrained for keeping coals in gabbards or lighters, and whereby the owners of ſuch coals or coal veſſels are obliged to ſell the ſame within eight days after the ſame ſhall be brought up to the keys, and all penalties impoſed thereby, on the accounts aforeſaid, be repealed and diſcharged.

Continuance 7 years. *Expired.*

VII. Provided always, That this act ſhall be and continue in force for ſeven years, from the firſt day of November one thouſand ſeven hundred and eleven, and to the end of the then next ſeſſion of Parliament, and no longer.

CHAP.

A. D. 1712.

CHAP. V.

An Act for the better preventing of exceſſive and deceitful gaming.

WHEREAS the laws now in force for preventing the miſchiefs which happen by gaming, have not been found ſufficient for that purpoſe: therefore for the further preventing of all exceſſive and deceitful gaming, be it enacted by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of November one thouſand ſeven hundred and eleven all notes, bills, bonds, judgments, mortgages, or other ſecurities or conveyances whatſoever, given, granted, drawn, or entered into, or executed by any perſon or perſons whatſoever, where the whole or any part of the conſideration of ſuch conveyances or ſecurities ſhall be for any money, or other valuable thing whatſoever won by gaming, or playing at cards, dice, tables, tennis, bowls, or other game or games whatſoever, or by betting on the ſides or hands of ſuch as do game at any of the games aforeſaid, or for the reimburſing or repaying any money, knowingly lent or advanced for ſuch gaming or betting as aforeſaid, or lent or advanced at the time and place of ſuch play to any perſon or perſons ſo gaming or betting as aforeſaid, or to any other perſon or perſons in truſt for or to the uſe or benefit of him or them ſo gaming or betting, or that ſhall during ſuch play ſo play or bet, ſhall be utterly void, fruſtrate, and of none effect, to all intents and purpoſes whatſoever; any ſtatute, law, or uſage, to the contrary thereof in any wiſe notwithſtanding: and that where ſuch mortgages, ſecurities, or other conveyances, ſhall be of lands, tenements, or hereditaments, or ſhall be ſuch as incumber or affect the ſame, ſuch mortgages, ſecurities, or other conveyances, ſhall enure and be to and for the ſole uſe and benefit of, and ſhall devolve upon, ſuch perſon or perſons as ſhould or might have or be intituled to ſuch lands, tenements, or hereditaments, in caſe the ſaid grantor or grantors thereof, or the perſon or perſons ſo incumbring the ſame, had been naturally dead, and as if ſuch mortgages, ſecurities, or other conveyances, had been made to ſuch perſon or perſons ſo to be intituled after the deceaſe of the perſon or perſons ſo incumbring the ſame; and that all grants or conveyances, to be made for the preventing of ſuch lands, tenements, or

9 *Anne* 14. *Eng.* 10 *Will.* 3. 11. 13 *G.* 2. 8. 18 *G.* 2. 34. *Eng.*

All ſecurities for money *&c.* won at gaming, betting, or lent or advanced for ſuch purpoſe, void,

and ſuch ſecurities affecting lands ſhall enure to and devolve on ſuch perſons as would be intitled if grantor or incumbrancer dead,

and conveyances to prevent the ſame, void.

A. D. 1712. Chap. 5.

or hereditaments from coming to or devolving upon ſuch perſon or perſons, hereby intended to enjoy the ſame as aforeſaid, ſhall be deemed fraudulent and void, and of none effect, to all intents and purpoſes whatſoever.

Perſons at one meeting loſing and paying 10*l.* may in three months recover it with coſts, by *debt* on this act, without ſetting forth the ſpecial matter.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of November one thouſand ſeven hundred and eleven any perſon or perſons whatſoever, who ſhall at any time within twenty four hours, or at any one meeting or ſitting, by playing at cards, dice, tables, or other game or games whatſoever, or by betting on the ſides or hands of ſuch as do play at any of the games aforeſaid, loſe to any one or more perſon or perſons, ſo playing or betting, in the whole the ſum or value of ten pounds, and ſhall pay or deliver the ſame, or any part thereof, the perſon or perſons ſo looſing, and paying or delivering the ſame, ſhall be at liberty within three months then next following to ſue for and recover the money or goods ſo loſt and paid or delivered, or any part thereof, from the reſpective winner and winners thereof, with coſts of ſuit, by action of debt founded on this act, to be proſecuted in any of her Majeſty's courts of record, in which actions or ſuits no eſſoin, protection, wager of law, priviledge of Parliament, or more than one imparlance ſhall be allowed; in which actions it ſhall be ſufficient for the plaintiff to alledge that the defendant or defendants are indebted to the plaintiff's, or received to the plaintiff's uſe, the money ſo loſt and paid, or converted the goods won of the plaintiff's to the defendant's uſe, whereby the plaintiff's action accrued to him according to the form of this ſtatute without ſetting forth the ſpecial matter: and in caſe the perſon or perſons, who ſhall looſe ſuch money or other thing as aforeſaid, ſhall not within the time aforeſaid really and *bona fide*, and without covin or colluſion, ſue, and with effect proſecute, for the money or other thing ſo by him or them loſt and paid, or delivered as aforeſaid, it ſhall and may be lawful to and for any perſon or perſons by any ſuch action or ſuit as aforeſaid to ſue for and recover the ſame, and treble the value thereof, with coſts of ſuit againſt ſuch winner or winners as aforeſaid; the one moiety thereof to the uſe of the perſon or perſons that will ſue for the ſame, and the other moiety to the miniſter and churchwardens for the uſe of the poor of the pariſh where the offence ſhall be committed.

If the loſers ſue not in time and with effect, any perſon may, and recover with treble value and coſts,

to the poor and proſecutor.

Defendant ſhall anſwer on oath.

III. And for the better diſcovery of the moneys, or other things ſo won and to be ſued for and recovered as aforeſaid, be it further enacted by the authority aforeſaid, That all and every the perſon or perſons, who by virtue of this preſent act ſhall or may be liable to be ſued for the ſame, ſhall be obliged and compellable

lable to anſwer upon oath ſuch bill or bills as ſhall be preferred againſt him or them for diſcovering the ſum or ſums of money, or other thing ſo won at play as aforeſaid. A. D. 1712. Chap. 5.

IV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever at any time or times after the ſaid firſt day of November one thouſand ſeven hundred and eleven do or ſhall by any fraud, or ſhift, couſenage, circumvention, deceit, or unlawful device, or ill practice whatſoever in playing at or with cards, dice, or any the games aforeſaid, or in or by bearing a ſhare or part in the ſtakes, wagers, or adventures, or in or by betting on the ſides or hands of ſuch as do or ſhall play as aforeſaid, win, obtain, or acquire to him or themſelves, or to any other or others, any ſum or ſums of money, or other valuable thing or things whatſoever, or ſhall at any time within the ſpace of twenty four hours, or any one meeting or ſitting, win of any one or more perſon or perſons whatſoever above the ſum or value of ten pounds, that then every perſon or perſons ſo winning by ſuch ill practices as aforeſaid, or winning at any one time or ſitting as aforeſaid above the ſaid ſum or value of ten pounds, and being convicted of any of the ſaid offences upon an indictment or information, to be exhibited againſt him or them for that purpoſe, ſhall forfeit five times the value of the ſum or ſums of money, or other thing ſo won as aforeſaid; and in caſe of ſuch ill practice aforeſaid ſhall be deemed infamous, and ſuffer ſuch corporal puniſhment as in caſes of wilful perjury; and ſuch penalty to be recovered by ſuch perſon or perſons as ſhall ſue for the ſame by ſuch action as aforeſaid.

Perſons by ill practice winning, &c.

Penalty five times the value, to proſecutor, on indictment or information, deemed infamous, and ſuffer as for perjury.

V. And whereas divers lewd and diſſolute perſons live at great expences, having no viſible eſtate, profeſſion, or calling, to maintain themſelves, but ſupport thoſe expences by gaming only: be it enacted by the authority aforeſaid, That it ſhall and may be lawful for any two or more of her Majeſty's juſtices of the peace in any county, city, or liberty whatſoever, to cauſe to come or to be brought before them every ſuch perſon or perſons within their reſpective limits, whom they ſhall have juſt cauſe to ſuſpect to have no viſible eſtate, profeſſion, or calling, to maintain themſelves by, but do for the moſt part ſupport themſelves by gaming; and if ſuch perſon or perſons ſhall not make it appear to ſuch juſtices that the principal part of his or their expences is not maintained by gaming, that then ſuch juſtices ſhall require of him or them ſufficient ſecurity for his or their good behaviour for the ſpace of twelve months, and in default of his or their finding ſuch ſecurities, to commit him or them to the common goal, there to remain until he or they ſhall find ſuch ſecurities as aforeſaid.

Two juſtices may ſummon perſons ſuſpected to have no viſible eſtate, &c. and to live by gaming,

and if they ſhew not the contrary, ſhall find ſecurity for good behaviour for 12 months, or be committed.

A. D. 1712. Chap. 5.

During which if they play, &c. for more than 20s. at one sitting, forfeiture of their recognisance.

VI. And be it enacted by the authority aforesaid, That if such person or persons, so finding securities as aforesaid, shall, during the time for which he or they shall be so bound to their good behaviour, at any one time or sitting play or bett for any sum or sums of money, or other thing, exceeding in the whole the sum or value of twenty shillings, that then such playing shall be deemed or taken to be a breach of his or their good behaviour, and a forfeiture of their recognizance given for the same.

Assaulting, challenging, &c. on account of money won at play, forfeiture to the Queen, on indictment, &c. of personal estate, and two years imprisonment.

VII. And for preventing such quarrels as shall or may happen upon the account of gaming, be it further enacted by the authority aforesaid, That in case any person or persons whatsoever shall assault, or beat, or shall challenge, or provoke to fight, any other person or persons whatsoever upon account of any money won by gaming, playing, or betting, at any of the games aforesaid, such person or persons assaulting, or beating, or challenging, or provoking to fight, such other person or persons upon the account aforesaid, shall, being thereof convicted upon an indictment or information to be exhibited against him or them for that purpose, forfeit to her Majesty, her heirs and successors, all his goods, chattels, and personal estate whatsoever, and also suffer imprisonment, without bail or mainprize, in the common goal of the county where such conviction shall be had, during the term of two years.

No shop-keeper to permit gaming in his shop or warehouse &c. on pain of 10*l.*

VIII. And for prevention of the great mischiefs that commonly attend gaming in shops within this kingdom; be it enacted by the authority aforesaid, That from and after the first day of November next no person or persons whatsoever shall play at any game or games with dice or cards within any shop or shops, or in any room or place thereunto belonging, for any money or goods, and that no shop-keeper, or other person or persons whatsoever keeping such shop or shops, or any room or place thereunto belonging, shall encourage or knowingly permit or suffer any person or persons whatsoever to play at any game or games whatsoever with dice or cards for any money or goods within their respective shops or warehouses, or any room, chamber, shed, or place belonging to such shops or warehouses, and which any way belong to the owners, occupiers, or possessors of such shops and warehouses, upon pain of forfeiting the sum of ten pounds for every such offence; to be recovered with costs from the person or persons so offending, and to be distributed in such manner as herein before is enacted in relation to persons, that shall win or lose any sum exceeding the sum of ten pounds as aforesaid.

IX. Provided

IX. Provided always, That if any perſon or perſons do after the aforeſaid time play at any game with dice or cards in ſuch ſhop, warehouſe, room, chamber, ſhed, or place aforeſaid, againſt the will and deſire and without the conſent of the occupiers and poſſeſſors of the ſame, then and in ſuch caſe if ſuch ſhop-keepers or houſe-keepers, in whoſe ſhop or houſe, or one or more of his ſervants, or of his family, ſhall within the ſpace of twenty eight days next after ſuch offence committed give information upon oath before a juſtice of the peace or other proper magiſtrate againſt the perſon or perſons, who ſhall ſo offend, that then and in ſuch caſe the ſaid ſhop-keepers and houſe-keepers ſhall not be liable to the ſaid penalty inflicted on them as aforeſaid; and ſuch juſtice or juſtices of the peace or proper magiſtrate or magiſtrates, before whom ſuch information ſhall be made, are hereby required to iſſue a warrant againſt every perſon and perſons ſo offending, and commit him, her, or them, to priſon, until he, ſhe, or they find good ſecurity for their, his, or her good behaviour, and ſhall nevertheleſs be liable to the penalties to be inflicted on the perſons ſo playing as aforeſaid.

A. D. 1712.

But if without his conſent, and he in 28 days gives information on oath before a magiſtrate not liable, and offenders committed, &c.

X. Provided always, That nothing herein contained ſhall extend to prevent or hinder any perſon or perſons from gaming, or playing at any the games aforeſaid, in the caſtle of Dublin, or any other the houſes of her Majeſty, her heirs or ſucceſſors, during ſuch time as the lord lieutenant, or other chief governor or governors for the time being, ſhall be actually reſident, during the time of ſuch actual reſidence, and ſo as ſuch playing be for ready money only.

Not to extend to hinder playing in caſtle of Dublin, &c. for ready money only, during actual reſidence of chief governors. 6 *Anne* 17.

CHAP. VI.

An Act for ſuppreſſing lotteries.

WHEREAS many evil diſpoſed perſons have of late ſet up many miſchievous and unlawful games, called lotteries, not only in the city of Dublin but in other parts of this kingdom, and by ſetting up to ſale by way of lottery ſeveral goods and other merchandizes at unreaſonable and exceſſive rates, thereby moſt unjuſtly and fraudulently got to themſelves great ſums of money from the children and ſervants of ſeveral gentlemen, traders, and merchants, and from many unwary perſons, to the great impoveriſhment of the merchants and fair traders of this kingdom: for remedy whereof be it enacted, by the Queen's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament

10 *W.* 3. 17. *Eng.* 9 *Anne* 6. *ſect.* 56. *Eng.* 12 *G.* 2. 28. *Eng.* 6 *Anne* 17. 10 *W.* 3. 11. 13 *G.* 2. 8.

A. D. 1712. Chap. 6.

ment assembled, and by authority of the same, That from and after the first day of November one thousand seven hundred and eleven all lotteries shall be deemed, adjudged, and taken to be, publick nusances; and that from and after the said first day of November one thousand seven hundred and eleven no person or persons whatsoever shall publickly or privately exercise, keep open, shew or expose to be plaid at, drawn at, or thrown at, or shew, draw, play, or throw, at any such lottery, or any other lottery, either by dice, lotts, cards, balls, or any other numbers of figures, or any other way whatsoever.

All lotteries publick nusances.

Penalty 100l. on persons, exposing the same; to the Queen, poor, and informer,

II. And be it further enacted by the authority aforesaid, That every person or persons, that shall after the said first day of November one thousand seven hundred and eleven exercise, expose, open, or shew to be plaid, thrown, or drawn at, any such lottery, play, or device, or other lottery, shall forfeit for every such offence the sum of one hundred pounds; to be recovered by information, bill, plaint, or action at law, in any of her Majesty's Four courts at Dublin, wherein no essoign, wager of law, or any more than one imparlance shall be allowed: one third part thereof to the use of her Majesty, her heirs and successors; one other third part thereof to the use of the poor of the parish where such offence shall be committed; and the other third part thereof, together with double costs, to the party that shall inform and sue for the same; and the said parties so offending shall likewise be prosecuted as common cheats, according to the statutes in that case made and provided.

and offenders prosecuted as common cheats.

Penalty 10l. as aforesaid, on persons playing thereat.

III. And be it further enacted by the authority aforesaid, That every person or persons, that after the said first day of November one thousand seven hundred and eleven shall play, throw, or draw at any such lottery, play, or device, or other lotteries, shall forfeit for every such offence the sum of ten pounds; to be recovered by information, bill, plaint, or action at law, in any of her Majesty's Four courts at Dublin, wherein no essoign, wager of law, nor any more than one imparlance shall be allowed; one third part thereof to the use of her Majesty, her heirs and successors; one other third part thereof to the use of the poor of the parish where such offence shall be committed, and the other third part thereof, together with double costs, to the party that shall inform and sue for the same.

None prosecuted on this act, to be prosecuted on any other.

IV. Provided, That no person, who shall be prosecuted by virtue of this act for any the offences herein mentioned, shall be prosecuted for the same by virtue of any other act of Parliament whatsoever.

CHAP.

A. D. 1712.

CHAP. VII.

An Act for the better preſervation of the game.

WHEREAS the game and fiſh in rivers and ponds of this kingdom is very much deſtroyed by birds or beaſts of prey: to encourage the killing of all ſuch birds or beaſts of prey be it enacted by the Queen's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the five and twentieth day of December in the year of our Lord one thouſand ſeven hundred and eleven for every otter, that ſhall be killed, there ſhall be a reward of five ſhillings; for every weazel ſix pence, for every heron ſix pence, for every kite four pence, and for every ſcal-crow two pence, to the perſon or perſons ſo killing the ſame reſpectively; which ſaid ſeveral reſpective ſums it ſhall and may be lawful to and for each and every grand jury at their reſpective quarter-ſeſſions throughout this kingdom, on examination upon oath thereof taken before one or more juſtices of the peace for the reſpective counties, wherein ſuch otter, or weazel, heron, kite, or ſcal-crow, was killed in ſuch county to preſent the ſame, and the ſum or ſums ſo preſented it ſhall and may be lawful to and for the ſeveral and reſpective high and petty conſtables on an order from the quarter ſeſſions, ſigned by the clerk of the peace of the ſeveral and reſpective quarter-ſeſſions, as in ſuch caſes is uſual, to levy and collect; and the ſame, ſo levied and collected, ſhall be paid by the treaſurer, or other perſon or perſons of each county appointed to receive the publick money, to the perſon or perſons, who produce a certificate of his or their having killed the ſame, the next quarter-ſeſſions after ſuch money is ſo preſented, without fee or reward, to ſuch treaſurer or other perſon appointed to receive the ſame.

5 s. reward for every otter killed,

6 d. a weazel, or heron,

4 d. a kite,

2 d. a ſcal-crow.

Preſented by grand jury at ſeſſions,

levied by conſtables, and paid by treaſurer, on producing certificate.

II. And whereas the ſpecies of red deer is like to be entirely deſtroyed for want of a ſufficient law to detect ſuch perſons, as make it a great part of their buſineſs to kill and deſtroy the ſame: be it therefore enacted by the authority aforeſaid, That if any perſon or perſons ſhall from and after the five and twentieth day of December one thouſand ſeven hundred and eleven (except ſuch as are qualified to kill the game) kill or any way deſtroy without the conſent of the owner or owners thereof any red deer, or calf of a red deer, ſuch perſon or perſons ſo offending ſhall for

7 *G.* 2. 8. Perſons (except qualified to kill game) deſtroying without owners conſent red deer, *&c.*

A. D. 1712. Chap. 7.

for the first offence, being thereof lawfully convicted, pay the sum of forty shillings, and for every other offence the sum of five pounds; which offences shall be determined before two or more justices of the peace.

Penalty, first offence 40 s. afterwards 5 l.

III. And for the better discovery of such offender be it enacted by the authority aforesaid, That it shall and may be lawful for any constable, officer, or other person, by warrant of any two or more justices of the peace within the limits of their respective jurisdictions to make search in all suspected houses and places, other than of such persons who shall be qualified to kill the game, for any red deer, skin, flesh, or calf, of a red deer; and if such person shall find any such red deer, calf, flesh, or skin of such red deer or calf in the possession of any person, he shall bring such suspected person before such justices of the peace, where if such person shall not make proof to the satisfaction of the said justices of the peace, that the same was not taken, killed, or gotten contrary to this act, or else shall not in some convenient time to be set by the said justices, not exceeding six days, produce the party, of whom he bought the same, or some other credible person to depose upon oath such sale thereof, that then such person, not giving such good account, nor producing such witnesses as aforesaid, shall be convicted by the said justices of the said offence, and upon such conviction shall forfeit the sums before mentioned; to be levied by distress and sale of the offenders goods by warrant under the hands and seals of such justices, before whom such offenders shall be convicted, rendering the overplus (if any be) and for want of distress the offender or offenders shall be committed to the house of correction for any time not exceeding one month, and not less than ten days, there to be whipped and kept to hard labour.

Search may be made by warrant in suspected places, 10 *W.* 3. 8. 4 & 5 *W.* & *M.* 23. *Eng.* and persons with whom said deer, skins, &c. found brought before magistrate,

and not proving that they got the same properly, convicted.

7 *G.* 2. 8. Said penalties levied by distress, in default whereof committed.

Buying the same from persons not qualified.

IV. And be it further enacted by the authority aforesaid, That if it shall appear upon oath before such justices of the peace, that any person or persons have bought from any person whatsoever (except persons qualified to kill the game, or the owner or owners thereof) any red deer, calf, or skin of a red deer, it shall be in the power of such justices of the peace to award the party, who discovers the same, the sum of twenty shillings; to be levied by distress and sale as aforesaid of the buyers goods.

Penalty 20 s. to discoverer.

Destroying within seven years cock or hen of the wood, their eggs or nests, or if found with any person.

V. And whereas the species of cocks of the wood, a fowl peculiar to this kingdom, is in danger to be entirely lost, unless some care be taken to preserve the same: be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times, within seven years next after the said twenty fifth day of December one thousand seven hundred and eleven kill, or any way destroy,

deſtroy, any cock or hen of the wood, or ſpoil, take, or deſtroy, any eggs or neſt of any ſuch hen of the wood, or if any cock or hen of the wood, or the eggs or neſt of any ſuch hen of the wood, ſhall be found or taken in the poſſeſſion or cuſtody of any perſon or perſons within the time aforeſaid, ſuch perſon or perſons ſo offending, being lawfully convict thereof, ſhall forfeit and pay the ſum of ten ſhillings, to be determined before ſuch perſons and levyed in ſuch manner as aforeſaid; and for want of diſtreſs the offender or offenders ſhall be committed to the houſe of correction for any time not exceeding one month, and not leſs than ten days, there to be whipped and kept to hard labour.

A. D. 1712.

Penalty 10 s. by diſtreſs, &c. as before.

CHAP. VIII.

An Act for explaining and amending ſeveral ſtatutes for prohibiting under-ſheriffs and ſheriffs-clerks from officiating as ſub-ſheriffs or ſheriffs-clerks more than one year.

WHEREAS by an act of Parliament made in England in the forty ſecond year of King Edward the third it is enacted, "That no ſheriff, under-ſheriff, or ſheriffs-clerk, ſhall "abide in his office above one year;" and by another act made in England in the firſt year of King Richard the ſecond it is enactd, "That none, who hath been ſheriff for a year, ſhall with- "in three years next enſuing be choſen again or put into the "office of ſheriff, if there be other perſons in the county ſuffi- "cient of poſſeſſion and goods to anſwer the King and his peo- "ple;" and by another act made in England in the firſt year of King Henry the fifth it is enacted, "That they, which be bay- "liffs of ſheriffs for one year, ſhall be in no ſuch office by three "years next following, except bayliffs of ſheriffs which be in- "heritable in their ſheriffwicks; and that no under-ſheriff, ſhe- "riffs-clerk, receiver, or ſheriffs bayliff, be attorney in any of "the King's courts, during the time that he is in his office with "any ſuch ſheriff;" and by another act of Parliament made in England in the twenty third year of King Henry the ſixth it is enacted, "That if any ſheriff or under-ſheriff, or ſheriffs-clerk, "occupy the office of ſheriff, under-ſheriff, or ſheriffs-clerk, con- "trary to any of the ſaid ſtatutes, or againſt the effect or intent "of them, he ſhall forfeit the ſum of two hundred pounds "yearly, as long as he ſo occupieth; and that every pardon to be "made for ſuch offence or occupation ſhall be void; and that any "liege-man, who will ſue for the ſaid forfeiture, ſhall be received "and admitted to ſue an action of debt in his own name; the "King to have the one half of what ſhall be recovered by ſuch "ſuit, and he or they that will ſue to have the other half;" all which acts are of force in this kingdom: and whereas the ſaid

Defects of this act ſupplied 29 G. 2. 15.

42 E. 3. 9. *Eng.*

1 R. 2. 11. *Eng.*

1 H. 4. 5. *Eng.*

23 H. 6. 7. *Eng.*

A. D. 1712. Chap. 8.

act have been notoriouſly eluded by under-ſheriffs, ſheriffs-clerks, deputies, and bayliffs, continuing in their offices for ſeveral years together, one year as under-ſheriff, other as ſheriffs-clerk or deputy, receiver or bayliff, and by taking the ſaid offices by turns, and in other perſons names in truſt, and receiving the profits for their own uſe, which hath been the occaſion of much corruption, delay of juſtice, oppreſſion of the ſubjects, and other miſchiefs: for remedy whereof, and for the better and more effectual execution of ſuch wholſome and neceſſary laws, be it enacted and declared by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every the laws and ſtatutes now in force for or touching the execution of the office of under-ſheriff or ſheriffs-clerk, and not hereby altered or repealed, ſhall be duly put in execution according to the tenor of the ſaid laws, and under the penalties therein contained, as by the ſaid laws are directed.

All which acts, of force in Ireland, have been eluded.

Laws for execution of office of under-ſheriff, &c. not hereby altered, to be put in execution.

II. And for amending and explaining the ſaid act of Parliament, made in England in the forty ſecond year of the reign of King Edward the third, "That no under-ſheriff or ſheriffs-clerk "ſhould abide in his office above one year;" be it enacted by the authority aforeſaid, That no perſon whatſoever ſhall from and after the ſixth day of November one thouſand ſeven hundred and eleven be admitted into, or ſhall take on him, or preſume to exerciſe, execute, or officiate, by himſelf or any under him, or in truſt for him or to his uſe, the office or duty of an under-ſheriff, ſheriffs-clerk, or county-clerk, in any county, or county of a city or town, within this kingdom, who hath within the ſpace of three years next before his admiſſion therein executed, officiated, or exerciſed, either or any of the ſaid offices or duties within the ſaid county, or county of a city or town; and if any perſon or perſons ſhall after the ſaid ſixth day of November one thouſand ſeven hundred and eleven offend herein, he ſhall forfeit and pay for every ſuch offence the ſum of five hundred pounds; to be recovered in any of her Majeſty's Four courts of Dublin, wherein no eſſoign, priviledge, protection, or wager of law, ſhall be allowed, or any more than one imparlance granted; the one moiety thereof to be applied to the uſe of the workhouſe or houſe of correction of ſuch county or county of a city, wherein ſuch offence ſhall be committed; the other moiety to be applied to the uſe of him, her, or them, that will ſue for the ſame in any of her Majeſty's Four courts at Dublin by action of debt, bill, plaint,

42 *E.* 3. 9. *Eng.* explained.

None to be under-ſheriff, ſheriffs clerk, or county-clerk, who in 3 years before executed ſaid offices in ſame county,

3 *G.* 2. 9. *explained and amended.*

29 *G.* 2. 15. *none who acted in* 10 *years.*

Penalty 500l

to the work-houſe and proſecutor.

plaint, or information, grounded on this ſtatute; any law or ſtatute to the contrary notwithſtanding; unto which ſaid action the judge or judges of the court, wherein the ſame ſhall be brought, ſhall and are hereby required, upon affidavit made of ſuch offence, to hold and oblige the defendant to give in ſuch action good and ſufficient bail to the ſaid action, and likewiſe, if judgment be given againſt the defendant, he ſhall and is hereby deemed and adjudged, and made for ever hereafter incapable of acting as under-ſheriff, ſheriffs clerk, or county-clerk, in any county, county of a city, or town.

A. D. 1712. Chap. 8.

Defendant on affidavit of offence, to give ſufficient bail,

and if judgment againſt him, for ever incapable.

III. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons, who ſhall after the ſaid ſixth day of November one thouſand ſeven hundred and eleven be nominated, conſtituted, or appointed under-ſheriffs, ſheriffs clerk, or county-clerk, within any county, or county of a city or town, ſhall, before he or they ſhall exerciſe, officiate, or in any manner execute the ſaid office or duty of an under-ſheriff or ſheriffs clerk, enter into a recognizance to her Majeſty, her heirs, and ſucceſſors, with ſufficient ſecurity, in the penalty of two hundred pounds, before a maſter of the high court of Chancery, or before a maſter extraordinary for taking affidavits in the country, who are hereby authorized and required to take ſuch recognizances, conditioned that he has not taken the ſaid office, duty, or imployment, to the uſe of or in truſt for any perſon or perſons, who was or hath been under-ſheriff or ſheriffs clerk, or executed either of the ſaid offices or imployments in the ſaid county, or county of a city or town, within the ſpace of three years then next preceding, or any other perſon or perſons in truſt for ſuch preceding ſheriff, and that he will execute the ſame in perſon; and that all the fees and perquiſites, benefits and advantages, of what nature or kind ſoever, are intirely to his own proper uſe, benefit, and advantage, or to the proper uſe, benefit, and advantage of the high ſheriff, and that he neither ſhall or will forbear, poſtpone, or delay the execution or return of any writ or proceſs, that ſhall come to his hands, or be lodged in the ſheriffs office, for any gratuity, reward, or other conſideration whatſoever; which ſaid recognizance, ſo taken, ſhall be in two months after the taking thereof returned into her Majeſty's court of Exchequer; for the recording of which recognizance ſhall be received the ſum of two ſhillings and ſix pence, and no more.

Perſons nominated to any of ſaid offices ſhall firſt give 200 l. ſecurity before a maſter, that it is not in truſt for one who hath executed it in 3 years,

and that he will perſonally execute,

and that all fees are to his or the high ſheriff's uſe,

and not to delay execution or return of writs.

The recogniſance in two months to be returned in Exchequer.

IV. And be it further enacted by the authority aforeſaid, That before every ſuch under-ſheriff, ſheriffs clerk, or county-clerk, ſhall take upon him ſuch office, or any way officiate therein, they ſhall take and ſwear the oath following, before ſuch perſon or perſons

Oath to be taken before officiating, adminiſtered by the perſon taking the recogniſance.

A. D. 1712. Chap. 8.

perſons, before whom he ſhall enter into ſuch recognizance as aforeſaid; which perſon or perſons are hereby impowered and required to adminiſter the ſaid oath: to wit,

12 G. 1. 4. altered.

I A. B. *do ſwear, that neither I, nor any perſon in truſt for me, or for my uſe or benefit, have executed the office or duty of under-ſheriff, ſheriffs clerk, or county-clerk, within the county of or any way officiated or acted in any of the ſaid offices at any time within three years laſt paſt; and that I have not taken the ſaid office or employment to the uſe of or in truſt for any perſon or perſons, who was or hath been under-ſheriff or ſheriffs clerk, or executed either of the ſaid offices or employments in the ſaid county of within the ſpace of three years laſt paſt, or any perſon or perſons in truſt for me; and that I will execute the ſaid office in perſon; and that all the fees and perquiſites, benefits and advantages, of what nature and kind ſoever belonging to the ſaid office, ſhall be taken to my own uſe, benefit, and advantage, or the uſe of the high ſheriff; and that I neither ſhall or will forbear, poſtpone, or delay the execution or return of any writ or proceſs, that ſhall come to my hands, or be lodged in the ſheriffs office, for any gratuity, reward, or other conſideration whatſoever.*

V. And be it further enacted by the authority aforeſaid, That if any ſuch under-ſheriff, ſheriffs clerk, or county-clerk, or any other perſon ſhall execute ſuch office or duty, or any way officiate therein, before he ſhall have entered into ſuch recognizance, and taken ſuch oath as aforeſaid, ſuch under-ſheriff, ſheriffs clerk, and county-clerk, or other perſon officiating as aforeſaid, ſhall forfeit and pay for every ſuch offence the ſum of five hundred pounds, to be recovered in ſuch manner, and to go to ſuch uſes, and to ſuch perſons, as the penalty and forfeiture before mentioned is to go.

Penalty 500 l. (as before) for acting without recogniſance and taking ſaid oath.

VI. And be it further enacted by the authority aforeſaid, That if any ſuch under-ſheriff, ſheriffs clerk, or county-clerk, or other perſon officiating as aforeſaid, after having taken ſuch oath as aforeſaid, ſhall be found guilty, or convicted, upon indictment or information of having executed the ſaid office or duty of under-ſheriff, ſheriffs clerk, or county-clerk, or officiating as aforeſaid within the county, or county of a city or town, within three years before he took ſuch oath, ſuch under-ſheriff, ſheriffs clerk, county-clerk, or other perſon officiating as aforeſaid, ſhall ſuffer ſuch pains, penalties, and forfeitures, as a perſon convicted of wilful perjury by the laws and ſtatutes of this kingdom is and ought to ſuffer.

If afterwards convicted of having officiated in 3 years before, liable to penalties for wilfull perjury.

VII. And

A D. 1712. Chap. 8.

VII. And whereas the under-ſheriffs and ſheriffs clerks in ſeveral counties of this kingdom procure to themſelves, or ſome in truſt for them, a deputation from the clerks of the peace and crown of the ſaid counties, wherein they officiate as under-ſheriff or ſheriffs clerk, and by their cunning contrivance and management procure many perſons for frivolous matters to be preſented by the grand jury at the quarterly ſeſſions, in order to have it more in their power to oppreſs the country, and iſſue proceſs againſt ſuch perſons, thereby to gain to themſelves fees as under-ſheriffs: for remedy whereof be it enacted by the authority aforeſaid, That no under-ſheriff or ſheriffs clerk, or any in truſt for them, or to their uſe, ſhall from and after the ſixth day of December one thouſand ſeven hundred and eleven, execute, exerciſe, or in any manner act, or officiate as clerk of the peace for the ſame county, he ſhall ſo act as under-ſheriff, ſheriffs clerk, or county clerk as aforeſaid, under the forfeiture or penalty of five hundred pounds for every time he ſhall ſo act, execute, or officiate, to be recovered by ſuch perſon or perſons who will ſue for the ſame in any of her Majeſty's Four courts of Dublin by bill, plaint, or information, in which no eſſoign, protection, or wager of law ſhall be allowed, or more than one imparlance, and to be diſtributed in manner as aforeſaid.

Under-ſheriff, &c. not to act as clerk of the peace,

penalty 500*l.* as before.

A. D. 1715.

THE SECOND YEAR OF GEORGE I.

Acts and Statutes, made in a Parliament begun at Dublin the twelfth day of November, *Anno Dom.* 1715, in the ſecond year of the reign of our moſt gracious ſovereign Lord King GEORGE, before his grace Charles duke of Grafton, and his excellency Henry earl of Gallway, lords juſtices general and general governors of Ireland.

CHAP. I.

An Act for granting to his Majeſty an additional duty on beer, ale, ſtrong-waters, tobacco, and other goods and merchandizes.

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, being highly ſenſible of the great bleſſings and felicity we enjoy by your Majeſty's happy acceſſion to the throne of your anceſtors, and well knowing that the ſecurity, peace, and proſperity of this your Majeſty's realm neceſſarily depends on the ſupport of your Majeſty's government; and being deeply ſenſible of your Majeſty's indulgent care of this your kingdom, and of your tender concern for the happineſs and proſperity thereof expreſt in many remarkable inſtances; and being well aſſured that your Majeſty will

A. D. 1715. Chap. I.

will preſerve to us the ineſtimable bleſſings, which we enjoy under your moſt happy government, in gratefull acknowledgement thereof, and for the ſupport of your Majeſty's eſtabliſhment with honour, do chearfully, readily, and unanimouſly give and grant to your Majeſty the ſeveral rates and additional duties of exciſe herein after mentioned; and do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty firſt day of November one thouſand ſeven hundred and fifteen there ſhall be throughout this your Majeſty's kingdom of Ireland raiſed, levyed, collected, and paid to your Majeſty, your heirs and ſucceſſors, during the ſpace of ſix callendar months for and upon all beer, ale, *aqua vitæ*, and ſtrong waters, or ſpirits, that ſhall be brewed or made within this kingdom for ſale, and upon all tobacco and muſlins, and upon ſilks and ſtuffs made or manufactured in Perſia, China, or the Eaſt-Indies, the ſeveral rates and duties herein after mentioned: that is to ſay, for every thirty two gallons of beer or ale of above ſix ſhillings the barrel price, brewed within this kingdom by the common brewer, or in his veſſels, or by any other perſon or perſons who doth or ſhall ſell or tap out beer or ale publickly or privately, one ſhilling and ſix pence, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity: for every thirty two gallons of beer or ale of ſix ſhillings the barrel or under, brewed within this realm by the common brewer or in his veſſels, or by any other perſon or perſons who doth or ſhall ſell or tap out beer or ale publickly or privately, three pence, to be paid by the common brewer, or ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity: for every gallon of *aqua vitæ*, ſtrong waters, or ſpirits, made or diſtilled within this realm for ſale, the ſum of three pence, to be paid by the firſt maker or diſtiller thereof: for every pound weight of tobacco, imported during the time aforeſaid into this realm, three pence half-penny: for every yard of muſlin imported into this kingdom, the ſum of ſix pence: and for every yard of all ſilks and ſtuffs made and manufactured in Perſia, China, or the Eaſt-Indies, imported into this kingdom during the time aforeſaid, the ſum of one ſhilling and ſix pence,

Additional duties for 6 months.

II. And be it further enacted by the authority aforeſaid, That the ſaid ſeveral duties, rates, and impoſitions hereby granted and charged, as well upon beer, ale, ſpirits, *aqua vitæ*, and ſtrong waters, as upon tobacco, muſlins, ſilks and ſtuffs, ſhall be raiſed, levied, collected, and paid to his Majeſty, his heirs and ſucceſſors, during the time aforeſaid, over and above all other duties payable for the ſame by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; or by virtue of one other act made in the ſaid fourteenth year of the reign of King Charles the ſecond, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland according to a book of rates hereunto annexed.*

14 & 15 C. 2. 8 & 9.

III. And be it further enacted by the authority aforeſaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauſes, matters, and things, which in and by the ſaid act of Parliament, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, are provided, ſettled, or eſtabliſhed for raiſing, levying, collecting, recovering, adjudging, or aſcertaining the duties thereby granted, ſhall be exerciſed, practiſed, applied, uſed, levied, recovered, and put in execution for the raiſing, levying, collecting, recovering, and paying all and ſingular the duties and impoſitions by this act granted and impoſed upon the ſeveral liquors and other commodities herein mentioned and expreſſed, as fully and effectually

ally to all intents and purposes as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, matters, clauses, and things, were particularly repeated and again enacted in the body of this present act, with the like liberty to appeal to and for the party grieved, as in and by the said act of excise is provided. A. D. 1715.

CHAP. II.

An Act for recognizing his Majesty's title to the Throne of Great-Britain, France, and Ireland.

MOST gracious and dread Sovereign, we your Majesty's loyal and faithful subjects of all estates and degrees in this your Majesty's kingdom of Ireland do, with all possible joy, from the very bottom of our hearts, offer up our unfeigned thanks unto Almighty God for his gracious and wonderful providence in placing your Majesty peaceably upon the throne, notwithstanding all the open and secret practices, that have been used to defeat the protestant succession; and in making us a happy people under the government of a King adorned with so rare accomplishments of piety, wisdom, and tender heartedness towards the good and welfare of all your Majesty's subjects: the declaration made by your Majesty from the throne, That the established constitution in Church and State shall be the rule of your Majesty's government, and that the happiness, ease, and prosperity of your people shall be the chief care of your life, hath filled our hearts with inexpressible joy, as beholding our religious and civil rights fenced in and secured to us and to our posterity by excellent laws, and the just execution of those laws under the care and protection of a mighty prince; the course of whose whole life hath shewn him to be a lover and supporter of the reformed religion, an impartial distributer of justice, and eminent for piety, wisdom, courage, and all other royal virtues. And we do yield to the Divine Majesty all praise and thanks, not only for the unspeakable and inestimate benefits we already enjoy under your Majesty's most auspicious government, but also for the assured hope we have conceived, that the same shall be made perpetual to us in his royal Highness the prince of Wales, and the numerous progeny wherewith Almighty God hath already enriched him, and in his goodness is like to increase the number of them, and in the heirs of the body of her royal Highness the princess Sophia, electoress and dutchess dowager of Hanover, deceased, being protestants: and to the intent and purpose that we may publickly and unanimously own and assert our faith and true allegiance to your most sacred Majesty, and that the same may remain as a memorial to all poste-

A. D. 1715.

Recognition of the title of King *G.* 1. immediately on death of Q. *Anne.*

rity among the records of Parliament in this kingdom: we the lords ſpiritual and temporal and commons in Parliament aſſembled, as we are in duty bound, do recognize and acknowledge, That the kingdom of Ireland, and all titles, ſtyles, royalties, juriſdictions, rights, priviledges, prerogatives, and preeminences royal thereunto belonging, are moſt rightfully and lawfully veſted in his Majeſty King George; and that his ſaid Majeſty, immediately upon the decaſe of her late Majeſty Queen Anne, was, is, and of right ought to be king of Great-Britain, Ireland, and France, and the dominions and territories thereunto belonging; to whom by the laws of God and man our allegiance and obedience are due. And thereunto we moſt humbly and faithfully ſubmit and do oblige ourſelves, our heirs and poſterities for ever, until the laſt drop of our blood be ſpent, and do beſeech your Majeſty to accept the ſame as the firſt fruits in this high court of Parliament, of our loyalty and faith to your Majeſty and your royal progeny and poſterity, and do pray that the ſame may be publiſhed, declared, and enacted in this high court of Parliament: and the ſame are by his Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, declared, enacted, and eſtabliſhed accordingly.

CHAP. III.

An Act for granting to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo a tax on ſallaries, profits of imployments, fees, and penſions therein mentioned.

WE your Majeſty's moſt dutiful and loyal ſubjects the commons of Ireland in Parliament aſſembled, being highly ſenſible of the ineſtimable bleſſings and felicity we enjoy by your Majeſty's happy and ſeaſonable acceſſion to the throne of your anceſtors, which the reſtleſs enemies of our moſt excellent conſtitution in church and ſtate, contrary to their ſolemn engagements to God, your Majeſty, and their country, have moſt wickedly endeavoured to deprive us of, and being firmly reſolved to the utmoſt of our powers to ſupport, maintain, and defend your Majeſty's ſacred perſon and government againſt all your enemies, and being convinced that the ſupplies already granted unto your Majeſty this ſeſſion of Parliament are not ſufficient to ſupport your Majeſty's eſtabliſhment with honour, have in the moſt cheerful manner freely and unanimouſly given to your Majeſty the ſeveral additional and other duties herein after mentioned; and we moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the laſt day of January one thouſand ſeven hundred and fifteen, and to the one and twentieth day of November,

ber, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſeventeen incluſive, there ſhall be throughout this his Majeſty's kingdom of Ireland, raiſed, collected, levied and paid unto his Majeſty, his heirs and ſucceſſors, for and upon all ſorts of wines, ſtrong waters, and ſpirits perfectly made, and upon ſpirits made and diſtilled of wine, that ſhall be imported into this kingdom during the time bove limitted, the ſeveral additional duties herein after mentioned: (that is to ſay) for every tun of wine, the ſum of four pounds *ſterl.* and ſo proportionably for a greater or leſſer quantity; and for every gallon of ſtrong waters and ſpirits perfectly made, and of ſpirits made and diſtilled of wine the ſum of eight pence *ſterl.* and ſo proportionably for a greater or leſſer quantity.

II. And be it further enacted, That the ſaid ſeveral duties and impoſitions hereby granted and charged upon all wines and ſtrong-waters, and ſpirits perfectly made, and ſpirits made and diſtilled of wine, ſhall be raiſed, levyed, collected, and paid unto his Majeſty, his heirs and ſucceſſors, during the time aforeſaid, over and above all other duties payable for the ſame, by virtue of an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; or by virtue of one other act made in the ſaid fourteenth year of the reign of the ſaid King Charles the ſecond, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money, unto his royal Majeſty, his heirs and ſucceſſors; the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland according to a book of rates hereunto annexed.* 14 & 15 C. 2. 8. & 9.

III. Provided always, and be it further enacted, That if the ſaid wines, ſtrong waters, ſpirits perfectly made, and ſpirits made and diſtilled of wine, upon which the ſaid additional duties are charged and paid, or ſecured to be paid, are again exported by any merchants, that is a ſubject of this realm, or any other his Majeſty's dominions, within twelve months, or by merchants ſtrangers within nine months after the importation thereof, and that due proof be firſt made by certificate from the proper officers of the due entry and payment of the additional duties hereby granted on wines, ſtrong waters, ſpirits perfectly made, and ſpirits made and diſtilled of wine inwards, and that all other requiſites ſhall be performed, which are by law required to be performed in caſes where the duties of exciſe are repaid, by virtue of the before-mentioned act *for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; that then the ſaid additional duties ſhall without any delay or reward, be repaid or allowed unto ſuch merchant or merchants ſo exporting the ſame within one month after demand thereof, or the ſecurity for the ſaid additional duties by this act charged ſhall be vacated as to ſo much as ſhall be ſo exported; any thing in this act contained to the contrary notwithſtanding.

IV. And be it further enacted, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauſes, matters, and things, which in and by the ſaid act of Parliament, intituled, *An act for the ſettling of the exciſe, or new impoſt, upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, are provided, ſettled, or eſtabliſhed, for raiſing, levying, collecting, recovering, adjudging, or aſcertaining the duties thereby granted, ſhall be exerciſed, practiſed, applied, and levied, recovered, and put in execution for the raiſing, levying, collecting, recovering, and paying all and ſingular the duties and impoſitions by this act granted and impoſed upon the ſeveral liquors herein mentioned and expreſſed, as fully and effectually to all intents and purpoſes, as if all and every the ſaid powers, authorities, rules, directions, methods, penalties, forfeitures, clauſes, matters, and things, were particularly repeated and again enacted in the body of this preſent act, with the like liberty of appeal to and for the party grieved, as in and by the ſaid act of exciſe is provided

V. And be it further enacted, That all and every perſon and perſons having upon the firſt day of February, in the year of our lord one thouſand ſeven hundred and fifteen, or at any other time during the continuance of this act, any office, ſallary, imployment, fee, or penſion upon his Majeſty's eſtabliſhment, payable to ſuch perſon or perſons as ſhall live or reſide out of this kingdom for the ſpace of ſix months in one whole year, ſhall pay unto his Majeſty, his heirs and ſucceſſors, the full ſum of four ſhillings *ſterling* a year out of every twenty ſhillings a year, which he, ſhe, or they, do or ſhall receive by reaſon of ſuch office, ſallary, profit of imployment, fee, or penſion, for and during ſuch time as he, ſhe, or they, ſhall ſo live or reſide out of this kingdom as aforeſaid; which ſaid duty or tax ſhall commence on the ſaid firſt day of February one thouſand ſeven hundred and fifeeen, and continue payable to his Majeſty, his heirs and ſucceſſors, to the twenty firſt day of November, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſeventeen incluſive; and the ſaid tax or duty of four ſhillings *ſterling* a year out of every twenty ſhillings a year as aforeſaid ſhall be ſtopped and deducted yearly, during the continuance of this act, by the pay-maſter and receiver-general of his Majeſty's revenues, and accounted for to his Majeſty, his heirs and ſucceſſors.

VI. Provided always, and it is hereby declared, That this act ſhall not extend to charge or impoſe the ſaid tax or duty of four ſhillings *ſterling* a year on every twenty ſhillings as aforeſaid, upon the pay of the half-pay officers living or reſiding out of this kingdom, or to the pay of ſuch perſon or perſons upon the eſtabliſhment, who are or ſhall be commanded out of this kingdom upon his Majeſty's immediate ſervice in his fleets or armies; any thing herein contained to the contrary notwithſtanding.

VII. And whereas ſeveral publick offices and buildings are begun in the Caſtle of Dublin, which it is neceſſary to finiſh with all convenient ſpeed; be it further enacted, That the ſix pence *per* pound payable to the vice-treaſurer or pay-maſter general of this kingdom, and all other fees payable out of the aids granted to his Majeſty this preſent ſeſſion of Parliament, ſhall be imployed in, and applyed to, the carrying on and finiſhing the ſaid offices and publick buildings in his Majeſty's ſaid Caſtle of Dublin, according to the direction of their excellencies the lords juſtices, or other chief governor or governors of this kingdom for the time being; which ſaid offices and publick buildings ſhall be carried on and finiſhed as faſt as any part of the ſaid fees or ſums hereby allotted for the carrying on and finiſhing the ſame ſhall come in, and be received out of the ſaid additional duties and aids granted to his Majeſty this preſent ſeſſion of Parliament.

CHAP.

A. D. 1715.

CHAP. IV.

An Act to attaint the perſon who, during the life of the late King James, took upon him the ſtile and title of prince of Wales, and ſince the deceaſe of the ſaid late King James hath aſſumed the name and title of James the third, King of England and Ireland, and James the eighth King of Scotland, commonly called, the Chevalier de St. George, or the Pretender, and all his adherents, and to give a reward of fifty thouſand pounds ſterl. *to any perſon, who ſhall ſeize and ſecure the ſaid pretender, if he lands, or attempts to land, in this kingdom.*

Unuſual inſolence of papiſts,

encouraged by the Pretender,

aſſuming title of King, &c.

WHEREAS the vaſt body of papiſts in this your Majeſty's kingdom have of late years carried their inſolence to an unuſual heighth, by many daring acts of preſumption committed by them, as well in the city of Dublin, as in many other parts of this kingdom: and whereas their hopes and expectations ſeem to be founded on the rebellious and traiterous attempt made by ſome of your Majeſty's ſubjects to invade your Majeſty's dominions, and levy war in the ſame, by commiſſion from and in favour of the perſon commonly called the Pretender: and whereas the ſaid Pretender hath ſince the deceaſe of the late King James, by the incitation and encouragement of the late French King Lewis the fourteenth, openly and traiterouſly aſſumed the name and title of James the third, King of England and Ireland, and James the eighth of Scotland, and cauſed himſelf to be ſo proclaimed in the kingdom of France, and in ſome parts of your Majeſty's dominions, in manifeſt violation of your Majeſty's moſt lawful and rightful title to the crown of theſe realms, and of the ſeveral acts of Parliament made in Great-Britain for ſettling the ſucceſſion of the crown, contrary to the duty of his allegiance, and to the diſturbing of the peace of theſe your Majeſty's kingdoms, being bred up and inſtructed to introduce the Romiſh ſuperſtition and French government into theſe realms, and with deſign to dethrone your Majeſty: to the end therefore that your Majeſty's good and loyal people of Ireland aſſembled in Parliament may in the moſt ſolemn manner expreſs their utmoſt reſentment of ſo great indignities, done to your Majeſty's moſt ſacred perſon and government, and that the ſaid traitor with all his adherents may be brought the more certainly and ſpeedily to condign puniſhment; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid Pretender, and all his

Pretender and his adherents attainted of high treaſon.

A. D. 1715. Chap. 4.

adherents and abettors, ſtand and be convicted and attainted of high treaſon, and that they ſuffer pains of death, and incur all forfeitures as traitors convicted and attainted of high treaſon.

Holding correſpondence with him, or perſons employed by him, knowingly, or remitting money for his uſe, high treaſon. 19 G. 2. 1.

II. And for preventing all traiterous correſpondence between your Majeſty's ſubjects and the ſaid Pretender, or his adherents; be it enacted by the authority aforeſaid, That if any of your Majeſty's ſubjects of the kingdom of Ireland ſhall within this realm, or without, hold, entertain, or keep any intelligence or correſpondence, in perſon, or by letters, meſſages, or otherwiſe, with the ſaid Pretender, or with any perſon or perſons employed by him, knowing ſuch perſon or perſons to be ſo employed, or ſhall by bill of exchange, or otherwiſe, remit or pay any ſum or ſums of money for the uſe or ſervice of the ſaid Pretender, knowing ſuch money to be for ſuch uſe or ſervice, ſuch perſon or perſons ſo offending, being lawfully convicted, ſhall be taken, deemed, and adjudged to be guilty of high treaſon, and ſhall ſuffer and forfeit as in caſes of high treaſon.

50000l. to be paid by vice-treaſurer out of publick money for ſeizing or ſecuring the Pretender alive or dead on his attempting to land. 1 G. 1. *ſtat.* 1. *Eng.* 1 G. 1. 13. *ſtat.* 2. *ſect.* 28. *Eng.*

III. And be it further enacted by the authority aforeſaid, That the vice-treaſurer or vice-treaſurers of this kingdom, or his or their deputy or deputies for the time being, ſhall and are hereby authorized and required, out of any moneys granted or to be granted by Parliament for the uſe of the publick, forthwith to iſſue and pay the ſum of fifty thouſand pounds *ſterling* to any perſon or perſons, who ſhall ſeize and ſecure alive or dead the perſon of the ſaid Pretender, whenever he ſhall land or attempt to land in this your Majeſty's kingdom.

And to go to repreſentatives of perſons killed in ſeizing him.

IV. And be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons ſhall happen to be killed in ſeizing, or ſecuring alive or dead, the perſon of the ſaid Pretender as aforeſaid, That then their executors or adminiſtrators, or ſuch perſon or perſons to whom the right of adminiſtration of the perſonal eſtate of each perſon ſo killed ſhall belong, ſhall have and receive reſpectively the ſame ſhare and proportion of the ſaid fifty thouſand pounds, as their ſeveral and reſpective teſtators or inteſtates would have been intitled unto, had they been living.

Offences abroad, to be tried in any county in Ireland.

V. And be it further enacted by the authority aforeſaid, That where any offences againſt this act ſhall be committed out of his Majeſty's dominions, the ſame may be alledged and laid, enquired of, and tryed in any county of this your Majeſty's kingdom of Ireland.

CHAP.

A. D. 1715.

CHAP. V.

An Act for preventing miſchiefs that may happen by fire.

6 *Anne* 31. *Eng.*

WHEREAS by the common law of this kingdom every perſon or perſons, in whoſe houſe, chamber, or out-houſe, any fire ſhould accidentally happen, was compellable to make recompence and ſatisfaction for all damages ſuffered or occaſioned thereby, to the impoveriſhment and utter ruin frequently of ſuch perſons: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, That no action, ſuit, or proceſs whatſoever, ſhall be had, maintained, or proſecuted againſt any perſon or perſons, in whoſe houſe or chamber any fire ſhall from and after the twenty fifth day of March in the year one thouſand ſeven hundred and ſixteen accidentally begin, or any recompence or ſatisfaction be made by ſuch perſon or perſons for any damage ſuffered or occaſioned thereby: any law, uſage, or cuſtom, to the contrary notwithſtanding.

Sect. 6. no perſon to be ſued or to make ſatisfaction for damage by accidental fire.

II. Provided always, That nothing herein contained ſhall extend or be conſtrued to extend to any action, covenant, or agreement between landlord and tenant.

Sect. 7. This not to extend to agreement between landlord and tenant.

III. And be it further enacted by the authority aforeſaid, That upon the breaking out of any fire within the city of Dublin, or any other city or town corporate within this kingdom, the chief magiſtrate, conſtables, and beadles of ſuch city or town corporate, upon notice thereof, ſhall immediately repair to the place, where the ſaid fire ſhall happen, with the badges of their authority, and be aiding and aſſiſting as well in the extinguiſhing the ſaid fires, and cauſing people to work at the engines for throwing up water for the extinguiſhing fires in ſuch cities or towns corporate, where ſuch engines are or ſhall be provided, as alſo in preventing goods being ſtolen, and ſhall ſeize and apprehend all ill diſpoſed perſons, that they ſhall find ſtealing and pilfering from the inhabitants; as alſo that the ſaid chief magiſtrates, conſtables, and beadles, ſhall give their utmoſt aſſiſtance to help the inhabitants to remove their ſaid goods.

Sect. 5. On breaking out of fire magiſtrates, *&c.* to repair immediately with their badges, and aſſiſt; and to prevent ſtealing and help to remove goods.

IV. But foraſmuch as fires often happen by the negligence and careleſneſs of ſervants; be it enacted by the authority aforeſaid, That if any menial or other ſervant or ſervants through negligence or careleſneſs ſhall fire, or occaſion the burning of, any dwelling-houſe, or out-houſe, or houſes, ſuch ſervant or ſervants, being thereof lawfully convicted by the oath of one or more credible

Sect. 3. Menial ſervant through negligence burning any houſe.

A. D. 1715.

ble witneſs or witneſſes, made before two or more of his Majeſty's juſtices of the peace, ſhall forfeit and pay the ſum of fifty pounds unto the church-wardens of ſuch pariſh, where ſuch fire ſhall happen, to be diſtributed by the grand jury at the next quarter ſeſſions of the peace for the county, where ſuch fire ſhall happen, amongſt the ſufferers by ſuch fire, in ſuch proportion as to the ſaid grand jury ſhall ſeem juſt; and in caſe of default or refuſal to pay the ſame immediately after ſuch conviction, the ſame being lawfully demanded by the ſaid church-wardens, that then and in ſuch caſe ſuch ſervant or ſervants ſhall by warrant under the hand of two or more of his Majeſty's juſtices of the peace be committed to ſome work-houſe, or the houſe of correction, as the ſaid juſtices ſhall think fit, for the ſpace of eighteen months, there to be kept to hard labour.

Penalty 50 l. to church wardens, for the ſufferers, or ſent to the work houſe.

3 G. 2. 14. *to prevent fire by placing timber in walls.*

CHAP. VI.

An Act to enable infants, who are ſeized or poſſeſſed of eſtates in fee, in truſt, or by way of mortgage, to make conveyances of ſuch eſtates.

7 *Anne* 19. *Eng.*

WHEREAS many inconveniencies do and may ariſe, by reaſon that perſons under the age of one and twenty years, having eſtates in lands, tenements, or hereditaments, only in truſt for others, or by way of mortgage, cannot, though by the direction of the *ceſtuyque* truſt, or mortgager, convey any ſure eſtate in any ſuch lands, tenements, or hereditaments, to any other perſon or perſons; for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the twenty fifth day of March, in the year one thouſand ſeven hundred and ſixteen, it ſhall and may be lawful to and for every ſuch perſon or perſons under the age of one and twenty years, by the direction of the high court of Chancery, or the court of Exchequer, ſignified by an order made upon hearing all parties concerned on the petition of the perſon or perſons, for whom ſuch infant or infants ſhall be ſeized or poſſeſſed in truſt, or of the mortgager or mortgagers, or guardian or guardians, of ſuch infant or infants, or perſon or perſons intitled to the money ſecured by or upon any lands, tenements, or hereditaments, whereof any infant or infants are or ſhall be ſeized or poſſeſſed by way of mortgage, or of the perſon or perſons intitled to the redemption thereof, to convey or aſſure any ſuch lands, tenements, or hereditaments, in ſuch manner as the ſaid court of Chancery, or the

Infants being truſtees, &c. may by order of Chancery or Exchequer on petition convey.

court of Exchequer, ſhall by ſuch order ſo to be obtained direct to any other perſon or perſons; and ſuch conveyance or aſſurance, ſo to be had and made as aforeſaid, ſhall be as good and effectual in law, to all intents and purpoſes whatſoever, as if the ſaid infant or infants were at the time of the making ſuch conveyance or aſſurance of the full age of one and twenty years; any law, cuſtom or uſage to the contrary in any wiſe notwithſtanding. A. D. 1715. Such conveyances good,

II. And be it further enacted by the authority aforeſaid, That all and every ſuch infant or infants, being only truſtee or truſtees, mortgagee or martgagees, as aforeſaid, ſhall and may be compelled by ſuch order, ſo as aforeſaid to be obtained, to make ſuch conveyance or conveyances, aſſurance or aſſurances, as aforeſaid, in like manner as truſtees or mortgagees of full age are compellable to convey or aſſign their truſt, eſtates, or mortgages. and infants compellable thereto as truſtees or mortgagees of full age.

CHAP. VII.

An act for continuing to his Majeſty the additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes.

WE your Majeſty's moſt dutiful and loyal ſubjects the commons of Ireland in Parliament aſſembled, having the greateſt abhorrence and deteſtation of the reſtleſs and treaſonable practices and attempts of the enemies of your Majeſty, and of our happy conſtitution, to deprive us of our religion, laws, and liberties, which we ſo fully and freely enjoy under your Majeſty's moſt auſpicious government; and being highly ſenſible, that the ſecurity, peace, and proſperity of this your Majeſty's kingdom under God does alone depend upon the ſupport of your Majeſty's government, and your lawful and undoubted right and title to the crown of theſe realms, have, towards the maintainance of your Majeſty's eſtabliſhment with honour, chearfully and unanimouſly give to your Majeſty the ſeveral additional duties herein after mentioned; and to that end be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſeveral and reſpective additional rates, duties, and impoſitions upon beer, ale, ſtrong waters, tobocco, and other goods and merchandizes, granted for ſix callendar months ending the twenty firſt day of May, one thouſand ſeven hundred and ſixteen incluſive, in and by an act paſſed this preſent ſeſſion of Parliament, intituled, *An act for granting to his Majeſty, an additional duty on beer, ale, ſtrong-waters, tobacco, and other goods and merchandizes*, be further continued, raiſed, collected, levyed, and paid unto your Majeſty, your heirs and ſucceſſors, from the ſaid twenty firſt day of May, one thouſand ſeven hundred and ſixteen, unto the twenty firſt day of November, which will be in the year of our Lord one thouſand ſeven hundred and ſeventeen incluſive; which ſaid additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, ſhall be raiſed, levied, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the term aforeſaid, at the ſame times, and in the ſame manner, and by the ſame ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with all ſuch powers, and in ſuch manner and form in all reſpects, as are preſcribed, mentioned, and expreſſed, in and by the ſaid recited act made and paſt for granting the ſaid additional duties, or in or by one other act made in this kingdom in the fourteenth year of the reign of the late King Cap. 1.

A. D. 1715. Chap. 7.

14 and 15 C. 2. 8.

Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*; or by any other law now in force relating to the revenue or excise in this kingdom, as fully and effectually to all intents and purposes, as if the same were particularly repeated and again enacted in the body of this present act.

II. And be it further enacted by the authority aforesaid, That the several sums hereafter mentioned be paid out of the aforesaid additional duties and aids granted to his Majesty by this present act, to the persons herein after mentioned (that is to say:) three hundred pounds *sterling*, to Bruen Worthington a clerk of the house of commons, one hundred and fifty pounds *sterling* to Isaac Ambrose a clerk of the house of commons, one hundred and fifty pounds *sterling*, to John Ker clerk assistant, two hundred pounds *sterling*, to Richard Povey serjeant at arms attending the commons, one hundred and fifty pounds *sterling*, to Daniel Golborne the clerk attending the committee of accounts and other committees, seventy five pounds to Henry Buckley one of the clerks attending the committees, and fifty pounds *sterling* to John Fieldhouse and William Kempsey door-keepers of the house of commons, to be equally divided between them; which said several sums are given to the said several persons as rewards for their several services and attendances this session of Parliament: two hundred pounds *sterling*, to Thomas Trotter a clerk of the late house of commons, one hundred pounds to the said Isaac Ambrose, one of the clerks of the late house of commons, one hundred pounds *sterling* to the said John Ker clerk assistant in the late house of commons, one hundred and fifty pounds *sterling*, to the said Richard Povey serjeant at arms, and fifty pounds *sterling* to William Bayly and Mathew Magee, committee-clerks to the late house of commons, to be equally divided between them as rewards for their several and respective services and attendances the last session of Parliament; which said several sums are to be paid by the vice-treasurer or receiver-general of this kingdom without any further or other warrant to be sued for, had, and obtained in that behalf.

For securing repayment of money advanced, and the interest.

III. And whereas the exigence of the publick affairs, and the peace and security of this your Majesty's kingdom in this time of common danger, may require an expence and greater supplies, than the funds already granted to your Majesty this session of Parliament; be it therefore further enacted by the authority aforesaid, That all such sum and sums of money, as shall be advanced and actually paid into your Majesty's treasury at the instance of their excellencies the lords justices, or other chief governor or governors of this your Majesty's kingdom for the time being, for the support and defence of this your Majesty's kingdom, shall be repaid unto such person or persons as shall lend or advance the same, his, her, or their executors, administrators, or assigns respectively, together with legal interest for the same, out of the next aids to be granted by Parliament, without any deduction, defalcation, or abatement, for or on account of pells, poundage, or other fees, charges, or deductions whatsoever.

Orders transferable by indorsement, &c.

IV. And be it further enacted by the authority aforesaid, That all and every person or persons, to whom any money shall be due for or upon account of the said loans, may, by endorsement of his order upon the said treasury-receipt, assign and transfer his right, title, interest, and benefit, of, in, and to such sum and sums of money as shall be so paid in and advanced, or any part thereof, and the interest that shall be thereon due, to any person or persons whatsoever; which upon notice thereof given to the vice-treasurer or pay-master-general, or his or their deputy or deputies for the time being, and an entry or memorial thereof made (which the said vice-treasurer or pay-master-general, or his or their deputy or deputies, shall upon request without fee or charge accordingly make) shall intitle such assignee, his executors, administrators, or assigns, to the benefit thereof, and payment thereon; and such assignee may in like manner assign again, and so *toties quoties*, and afterwards it shall not be in the power of such person or persons, who made such assignments, to make void, release, or discharge the same, or any the moneys thereby due, or any part thereof.

V. And

V. And for encouragement to ſuch perſon or perſons, as ſhall advance and lend ſuch ſum and ſums of money as your Majeſty may find neceſſary for the purpoſes aforeſaid, be it further enacted by the authority aforeſaid, That ſuch perſon or perſons as ſhall ſo advance and really pay into your Majeſty's treaſury any ſum or ſums of money as aforeſaid, their executors, adminiſtrators and aſſigns, ſhall have and receive, and be well and truly paid at the receipt of your Majeſty's Exchequer, by the hands of the vice-treaſurer or pay-maſter-general, his or their deputy or deputies, every ſix months from the making of ſuch loans reſpectively, the legal intereſt of all ſuch ſum and ſums of money as ſhall be ſo advanced without fee or charge, and free from all manner of deductions, defalcations, or abatements whatſoever, out of ſuch aids as have been granted this, or which ſhall be granted next, ſeſſion of Parliament, until the ſaid principal ſum ſo advanced ſhall be reſpectively ſatisfied, paid and diſcharged as aforeſaid.

A. D. 1715.

Legal intereſt.

CHAP. VIII.

An Act for extinguiſhing the regalities and liberties of the county of Tipperary, and Croſs-Tipperary, commonly called the county Palatine of Tipperary; and for veſting in his Majeſty the eſtate of James Butler, commonly call'd James duke of Ormond; and for giving a reward of ten thouſand pounds to any perſon, who ſhall ſeize or ſecure him, in caſe he ſhall attempt to land in this kingdom.

WHEREAS his late Majeſty King Charles the ſecond by letters patents, dated the twenty ſecond day of April in the fourteenth year of his reign, did grant unto James then duke of Ormond, and to the heirs males of his body, divers liberties, regalities, franchiſes, and juriſdictions of and in the county of Tipperary and Croſs-Tipperary, and for default of ſuch iſſue to the heirs male of the body of Peter Butler, formerly earl of Ormond and Oſſory; which letters patents were afterwards confirmed by an act of Parliament, made in this kingdom in the fourteenth and fifteenth years of the reign of the ſaid King: and whereas James Butler, now or lately called or known by the name of James duke of Ormond, is heir male of the body of the ſaid James duke of Ormond, his grand-father; and alſo heir male of the body of Peter, formerly earl of Ormond and Oſſory: and whereas the ſaid James Butler by act of Parliament, made in Great-Britain, ſtands attainted of high-treaſon for not rendring himſelf to juſtice at or before the tenth day of September laſt paſt: be it therefore enacted and declared by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every the liberties, regalities, franchiſes, courts of law and equity, juriſdictions, rights, powers, and authorities in the ſaid letters

Letters patent 22 April 14 *C.* 2. to duke of Ormond, confirmed by *ſtat.* 14 & 15 *C.* 2. 20.

James Butler duke of Ormond attainted by act in G. Britain. 1 *G.* 1. 17. *ſtat.* 2.

All regalities, &c. in ſaid letters patent or act annulled for ever.

ters

A. D. 1715. Chap. 8.

ters patents, or act of Parliament mentioned, be, and the ſame are, hereby annulled, and for ever extinguiſhed.

Tipperary or Croſs Tipperary one County.

II. And it is hereby enacted and declared, That whatſoever has been denominated or called Tipperary, or Croſs-Tipperary, ſhall henceforth be and remain one county for ever, under the name of the county of Tipperary.

All lands, &c. of ſaid duke veſted in the King without office or inquiſition.

III. And be it further enacted by the authority aforeſaid, That all and every the honours, mannors, baronies, caſtles, meſſuages, lands, tenements, rents, reverſions, ſervices, remainders, royalties, franchiſes, priviledges, rights of entry, rights of action, conditions, uſes, truſts, offices, powers and authorities, commodities, emoluments, penſions, annuities, fines for leaſes and hereditaments, of what nature or kind ſoever they be, with all and ſingular their appurtenances, and all judgments, ſtatutes, recognizances, ſecurities for money, rights of redemption of mortgages, debts of record, ſpecialties, goods and chattles, of what nature or kind ſoever within this realm of Ireland, whereof the ſaid James Butler, commonly called James duke of Ormond, or any perſon or perſons in truſt for him, was or were ſeized, or poſſeſſed, or intereſted in, or intitled to, on the tenth day of September laſt, or at any time ſince, ſhall be and are hereby veſted in your Majeſty, your heirs and ſucceſſors, according to ſuch eſtates and intereſts which he or they had therein on the ſaid tenth day of September laſt, or at any time ſince; and the ſame are hereby adjudged and declared to be in the real and actual poſſeſſion and ſeizin of your Majeſty, without any office or inquiſition thereof to be taken or found.

All fines, recoveries, records, &c. in courts of Tipperary removed into C. B.

IV. And for the better preſerving and ſecuring of all records, pleas, and proceedings, heretofore had in the ſaid courts of the county of Tipperary, hereby annulled and extinguiſhed; be it further enacted by the authority aforeſaid, That all fines and recoveries, and all the records, pleas, and proceedings in the ſaid courts in any civil action, real, perſonal, or mixt, ſhall be removed into the court of Common-pleas in Dublin, on or before the laſt day of Trinity term next, there to remain and to be kept of record, together with the docket books, and minute and rule books, and all other books and papers relating to the ſaid actions, belonging to the ſaid courts.

But judgments already obtained there binding.

V. Provided always, that where any judgment is already had or obtained in the ſaid courts of Tipperary, that the ſame ſhall from henceforth bind or affect the lands, tenements, or hereditaments of ſuch perſon or perſons, againſt whom ſuch judgment is ſo had and obtained, in ſuch manner and form as if the records of ſuch judgment had not been removed, and not otherwiſe; and execution ſhall be had thereon accordingly.

VI. Provided alſo, That where ſuch judgments ſhall remain unſatisfied, it ſhall and may be lawful to and for ſuch perſon or perſons, that have obtained ſuch judgment, to take out execution by *capias* or *fieri facias* againſt any ſuch perſon or perſons, againſt whom ſuch judgment is ſo had or obtained, in any county or place whatſoever within this realm; and that no ſuit or action, which was depending in any of the ſaid courts of Tipperary on the tenth of September laſt, ſhall be abated or diſcontinued by ſuch removal, or by the attainder of the ſaid James Butler late duke of Ormond: but the ſaid court of Common-pleas ſhall proceed from the time of ſuch removal to hold plea, give judgment, and award execution thereon, as if the ſaid action, plea, or ſuit, had been originally commenced in the ſaid court of Common-pleas.

and execution may be ſued; and ſuits there depending not to abate by ſaid removal or attainder.

VII. Provided always, That all ſuch judgments, ſo removed as aforeſaid, or pleas or proceedings, upon which judgment ſhall be had or obtained, ſhall be reverſable by writ of error, in ſuch manner as other judgments obtained in the ſaid court of Common-pleas.

Such judgments reverſable by *Error*, as if obtained in C. B.

VIII. And be it further enacted by the authority aforeſaid, That all bills, anſwers, pleadings, recognizances, depoſitions, decrees of the court of Chancery of Tipperary, and all orders, proceſs, affidavits, and proceedings relating to any ſuit or ſuits there depending, and all the records of the ſaid court of Chancery, ſhall, on or before the laſt day of Trinity term next, be removed into the high court of Chancery, there to remain as on record; and that ſuch ſaid decrees already had or obtained in the ſaid court of Chancery of Tipperary, if not performed, ſhall be executed by proceſs out of the ſaid high court of Chancery, as if the ſaid decree had been obtained in the ſame court; and that like remedy ſhall be had by rehearing, bill of revivor, or appeal, as if ſuch decrees had been originally pronounced in the high court of Chancery.

Records, proceedings, *&c.* of Chancery of Tipperary removed into, and decrees executed by, Chancery.

IX. Provided always, That recognizances acknowledged in the courts of Chancery of Tipperary, and the ſequeſtration-proceſs on ſuch ſaid decrees heretofore made, and ſo removed as aforeſaid, ſhall extend only to lands, tenements, or hereditaments, in the county of Tipperary or Croſs Tipperary.

Recognizances, and ſequeſtration on decrees ſo removed, extend only to lands in Tipperary.

X. And be it further enacted by the authority aforeſaid, That all indictments or appeals, on which judgment is given, or outlawry is awarded, ſhall, on or before the laſt day of Trinity term next, be removed into the Crown-office of the court of King's Bench, there to be proceeded upon as if the ſame had been removed into the court of King's Bench by *certiorari*; and that all indictments, on which no judgment is given, nor outlawry awarded, ſhall be tranſmitted to the perſon, who ſhall be clerk of the

Indictments or appeals on which judgment or outlawry, removed into Crown-office;

A. D. 1715. Chap. 8.

crown for the county of Tipperary at the next commiſſion of goal-delivery for the ſaid county; and the next going judge or judges of aſſize and commiſſioners of goal-delivery for the ſaid county of Tipperary are hereby authorized and impowered to proceed upon ſuch indictments in ſuch manner, as is uſually done on indictments found in any other county at a former aſſizes; and that no ſuch indictments ſhall be abated by the attainder of the ſaid James Butler late duke of Ormond, nor ſhall the ſame be quaſhed or impeached, becauſe the ſame were found in the courts of the lord of the ſaid regalities, or becauſe the ſaid facts, in the ſaid indictments expreſſed, are alledged to be done againſt the peace of the lord of the ſaid regality.

if no judgment or outlawry, tranſmitted to clerk of the Crown for Tipperary, and proceeded on next aſſiſes,

no abatement by ſaid attainder, &c.

XI. And be it further enacted by the authority aforeſaid, That the reſpective officers and perſons, who have the cuſtody or keeping of all or any of the rolls, judgments, fines, recoveries, decrees, records, or proceedings aforeſaid, or any matters or things by virtue of this preſent act to be removed or tranſmitted as aforeſaid, ſhall at the reſpective times herein before mentioned remove, deliver, and tranſmit the ſame into the aforeſaid reſpective courts, and in ſuch manner and form as is herein before ordered and directed; and that every officer or perſon, who ſhall wilfully neglect or refuſe ſo to do, ſhall forfeit the ſum of three hundred pounds, to be recovered in any of his Majeſty's courts of record, one half to the uſe of the King's Majeſty, and the other half to ſuch perſon as ſhall inform or ſue for the ſame, in any action of debt, ſuit, or information; in which no eſſoin, protection, or wager of law, ſhall be allowed, or any more than one imparlance; and that every perſon or perſons, that ſhall be aggrieved by the neglect of ſuch ſaid officer or perſon, ſhall likewiſe recover his damages in an action upon the caſe for the ſame.

Officers neglecting to remove, &c. Penalty 300l. to King and proſecutor,

and damages to party grieved.

XII. And be it further enacted and declared by the authority aforeſaid, That all conveyances, grants, and diſpoſitions whatſoever, made by him the ſaid James Butler late duke of Ormond ſince the firſt of Auguſt one thouſand ſeven hundred and fourteen, of any of the aforeſaid caſtles, mannors, lands, tenements, offices, goods, chattels, and other the premiſſes of him the ſaid James Butler, (other than ſuch as are *bona fide* made for ſecuring juſt debts by him contracted, or due from him or any of his anceſtors before the firſt day of Auguſt, which was in the year of our Lord one thouſand ſeven hundred and fourteen, and which have not been ſatisfied, or for ſecuring debts by him the ſaid James Butler, contracted for money actually paid, goods and wares ſold and delivered to, or work done or performed for, him, before the one and twentieth day of July one thouſand ſeven hundred and fifteen, ſo far as to ſecure ſuch debts, and for no other purpoſe) ſhall be deemed

Conveyances by ſaid James Butler ſince 1 Aug. 1714, except *bona fide* for ſecuring debts, &c. void.

deemed and adjudged fraudulent and void to all intents and purpoſes whatſoever. A. D. 1715.

XIII. Provided always, and be it further enacted and declared by the authority aforeſaid, That Mary the wife of the ſaid late duke of Ormond, notwithſtanding her coverture, ſhall and may from the ſaid tenth day of September one thouſand ſeven hundred and fifteen, have, hold, receive, and enjoy the joynture of two thouſand pounds *per annum*, provided, limitted, and ſecured to and for her, of, in, or out of any the lands, tenements, and hereditaments, of the ſaid late duke, by the ſettlement made on her marriage, bearing date on or about the firſt day of Auguſt one thouſand ſix hundred eighty five, and by two acts of Parliament made in Ireland, the one in the ſeventh year of the late King William the third, the other in the ninth year of the late Queen Anne, and ſaved and preſerved to her in and by ſeveral other acts of Parliament made in England or Ireland, according to the true intent and meaning of the ſame; and employ, manage, and diſpoſe thereof, for her own ſeparate uſe, maintenance, and benefit; and that ſhe and her truſtee or truſtees, ſhall and may ſue for, recover, have, and take, all the remedies and advantages touching the ſame, as fully and effectually to all intents and purpoſes as ſhe or they might or ought to do, if the ſaid late duke had not been attainted as aforeſaid, and was actually dead; and that there ſhall be forthwith raiſed for and paid to Elizabeth Butler, the only ſurviving daughter of the ſaid late duke, the ſum of ten thouſand pounds of lawful money of Great Britain, being the portion intended to be raiſed for her by and out of the real eſtate of the ſaid late duke, or ſome part thereof, by deeds dated the firſt of Auguſt one thouſand ſix hundred eighty five, the ſixth of May one thouſand ſix hundred ninety five, or by the ſaid act of Parliament made in Ireland in the ninth year of the reign of the ſaid late Queen, and in ſuch manner as the ſame is thereby directed to be raiſed, and as the ſame might or ought to be paid if the ſaid late duke her father had not been attainted as aforeſaid, and was actually dead: and for ſatisfying and diſcharging thereof, it ſhall and may be lawful to and for the perſon and perſons, who is or ſhall be next in remainder to the ſaid late duke's eſtate, expectant upon the deceaſe of the ſaid duke without iſſue male, to make ſuch appointment of any part or parcel of the fee-farm rents late belonging to the ſaid late duke, not exceeding together in the whole five hundred and fifty pounds *per annum*, to ſuch perſon or perſons as the ſaid lady Elizabeth ſhall for that purpoſe in writing nominate or appoint, and to his or their heirs and aſſigns in truſt for the ſaid lady Elizabeth, her heirs and aſſigns, in ſatisfaction and diſcharge of the ſaid ten thouſand pounds, as the ſaid late duke, if

Chap. 8.

Mary his wife to hold her jointure of 2000 l. *per ann.* as if he was dead.

10,000 l. to be raiſed for his daughter *Elizabeth*.

550 l. *per ann.* to be appointed by next in remainder for ſecuring ſaid portion.

A. D. 1715. Chap. 8.

if he had not been attainted, might by vertue of the ſaid act of Parliament, made in Ireland in the ninth year of the reign of her ſaid late Majeſty Queen Anne, have made of one moiety of fee-farm rents amounting to eleven hundred pounds *per annum*; and ſuch appointment, to be made purſuant to this act, ſhall be as valid and effectual to all intents and purpoſes, as ſuch appointment, if the ſame had been made by the ſaid late duke of ſuch moiety before ſuch attainder, and in the life times of the late duke of Beaufort, and the late earls of Rocheſter and Angleſey, in that act named, would have been, and the ſaid late duke was now naturally dead; and that the ſaid ten thouſand pounds ſhall be taken to have been due and payable to her the ſaid Elizabeth Butler on the eleventh day of September one thouſand ſeven hundred and fifteen; and that the want of the conſent of the ſaid late duke to her marriage, in caſe ſhe ſhall ſo marry, ſhall not in any wiſe prejudice her in her right to her portion; and that all and every term and terms of years of any the ſaid lands and hereditaments granted to or veſted by the ſaid ſettlement, deeds, or acts of Parliament, or any of them, to commence from the death of the ſaid late duke, for ſecuring the ſaid two thouſand pounds *per annum*, or the ſaid ten thouſand pounds portion, ſhall be taken to commence, and are and is hereby enacted to commence, from the ſaid tenth day of September one thouſand ſeven hundred and fifteen, as fully as if the ſaid late duke had been then naturally dead: ſaving to all and every perſon or perſons, bodies politick and corporate, and to the heirs, ſucceſſors, and aſſigns of every of them reſpectively (other than the ſaid James Butler late duke of Ormond, and his heirs, executors, and adminiſtrators, claiming any thing in the ſaid mannors, meſſuages, lands, tenements, and other the premiſſes, or any part thereof, only as heir or heirs, executors or adminiſtrators, and other than all and every other perſon or perſons claiming or having any thing in the premiſſes, or any part thereof to his uſe, or in truſt for him the ſaid James, or his heirs, executors, or adminiſtrators, or by vertue of any ſuch conveyance as is hereby declared to be fraudulent and void) all ſuch eſtate, right, title, uſe, poſſeſſion, intereſt, reverſion, remainder, entry, conditions, fees, offices, rents, annuities, leaſes, commons, actions, ſuits, and all other hereditaments, and all actions and means to recover and obtain the ſame whatſoever, which they or any of them had or ought to have in the premiſſes, or any part thereof, at or before the ſaid tenth day of September laſt, in as large and ample manner as if this act had never been made; any thing herein contained to the contrary notwithſtanding.

Saving the rights of others.

XIV. And be it further enacted by the authority aforeſaid, That the vice-treaſurer or vice-treaſurers of this kingdom, or his or

or their deputy or deputies for the time being, ſhall and are hereby authorized and requited, out of any money granted or to be granted by Parliament for the uſe of the publick, forthwith to iſſue and pay the ſum of ten thouſand pounds to any perſon or perſons, who ſhall ſeize or ſecure alive or dead the perſon of the ſaid James Butler, late duke of Ormond, in caſe he ſhall land or attempt to land in this kingdom. A. D. 1715. 10,000 l. to be paid by vice-treaſurer out of publick money for ſeiſing him on attempting to land.

CHAP. IX.

An Act to make the militia of this kingdom more uſeful.

WHEREAS there have been frequent rebellions and inſurrections formerly raiſed in this kingdom by the popiſh inhabitants of the ſame: and whereas lately an open and unnatural rebellion broke out in divers parts of his Majeſty's kingdom of Great Britain in favour of the Pretender, which by the bleſſing of God is happily ſuppreſſed: and whereas there is juſt reaſon to apprehend, that the main body of papiſts in this his Majeſty's kingdom may hereafter again endeavour to diſturb the publick peace and tranquillity: in order therefore to eſtabliſh the militia, and to make the ſame more uſeful, and to put this kingdom in a poſture of defence againſt any foreign invaſion, or inteſtine rebellion or inſurrection; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the King's moſt excellent Majeſty, his heirs and ſucceſſors, or thoſe that ſhall from time to time be appointed by the King's moſt excellent Majeſty, his heirs and ſucceſſors, to be chief governor or governors of this kingdom, ſhall and may from time to time, as occaſion ſhall require, iſſue forth ſeveral commiſſions of lieutenancy and array to ſuch perſons, being proteſtants, as his Majeſty, his heirs and ſucceſſors, or ſuch chief governor or governors, ſhall think fit, to be his Majeſty's lieutenant or lieutenants, governor or governors, and commiſſioners of array for the ſeveral and reſpective counties, cities, and places of Ireland; which lieutenants or governors, and commiſſioners of array, or the major part of them, ſhall have full power and authority to call together all ſuch perſons, being proteſtants, at ſuch time and times, and to arm and array them in ſuch manner, as is hereafter expreſſed and declared, and to form them into companies, troops, and regiments; and in caſe of inſurrection, rebellion, or invaſion, them to lead, conduct, or imploy, or cauſe to be lead, conducted, and imployed, as well within the ſaid ſeveral counties, cities, and places, for which they ſhall be

4 & 5 *P. & M.* 2. *Eng.* 13 & 14 *C.* 2. 3. *Eng.* 6 *G.* 1. 3. *&c.* 8 *G.* 1. 6. 10 *G.* 1. 4. 11 *G.* 2. 13. 3 *G.* 2. 5. 11 *G.* 2. 13. 19 *G.* 2. 9. 23 *G.* 2. 8. 29 *G.* 2. 8. 30 *G.* 2. 25. *Eng. new regulations.*

The King or chief governors may from time to time iſſue commiſſions of lieutenancy and array to proteſtants;

with powers to arm and array;

and on inſurrection or invaſion to lead into any part of the kingdom, purſuant to direction.

A. D. 1715. Chap. 9.

be commiſſioned reſpectively, as alſo into any other the counties and places aforeſaid in this kingdom for ſuppreſſing of all ſuch inſurrections and rebellions, and repelling of invaſions, as may happen to be in this kingdom, according as they ſhall from time to time receive directions from his Majeſty, his heirs and ſucceſſors, or the chief governor or governors of the ſaid kingdom for the time being; and his Majeſty, his heirs and ſucceſſors, or the ſaid chief governor or governors, ſhall have full power and authority from time to time to conſtitute and appoint, and give commiſſions to, ſuch perſons as they ſhall think fit, to be colonels, lieutenant-colonels, majors, captains, and other commiſſion-officers of the ſaid perſons ſo to be arrayed, armed, and weaponed; and the lieutenant or lieutenants, governor or governors of the ſeveral and reſpective counties, cities, and places of this kingdom, ſhall preſent to his Majeſty, his heirs and ſucceſſors, or the chief governor or governors of the ſaid kingdom for the time being, the names of ſuch perſon and perſons as they ſhall think fit, to be his or their deputy or deputies; and, in caſe ſuch perſons ſhall be approved of, they ſhall give them deputations accordingly.

Lieutenants, &c. may preſent the names of deputies for approbation.

II. Provided always, That his Majeſty, his heirs and ſucceſſors, or the ſaid chief governor or governors, ſhall have power and authority to direct and order otherwiſe, and accordingly at his and their pleaſure may appoint and put in commiſſion, or diſplace, ſuch lieutenants, deputy lieutenants, and officers; any thing in this act to the contrary notwithſtanding: and that the ſaid lieutenant or lieutenants, or governor or governors, or their reſpective deputy or deputies of their ſaid ſeveral and reſpective counties reſpectively, during their ſaid reſpective deputations, or the major part of them aſſembled, being three at leaſt, ſhall have power from time to time to command the ſeveral and reſpective officers of the ſaid militia, to train, exerciſe, and put in readineſs, and alſo lead and conduct the perſons ſo to be arrayed, armed, and weaponed, by the directions, and to the intents and purpoſes, as is hereafter expreſſed and declared.

The King, &c. may order otherwiſe, and diſplace.

Lieutenants, &c. may command, exerciſe, lead, &c.

III. And be it further enacted by the authority aforeſaid, That it ſhall be lawful for the ſaid governor or governors, lieutenant or lieutenants, deputy lieutenants, or governors and commiſſioners of array, or the major part of them, within the ſeveral counties, cities, and towns in this kingdom, from time to time, as often as any invaſion, inſurrection, or rebellion ſhall happen within this kingdom, for and towards the ſupport and maintenance of the ſaid militia, when in actual ſervice, to ſuppreſs and oppoſe ſuch invaſion, inſurrection, or rebellion, to raiſe or cauſe to be raiſed ſuch ſum and ſums of money, to be rateably applotted and aſcertained upon the inhabitants and proprietors of land in their ſeveral counties

Commiſſioners, to ſupport militia, in actual ſervice, may raiſe money, applotted rateably as other county-charges,

counties and cities, in such manner and proportion as other county-charges are taxed and assessed, towards the support and maintainance of the said militia, when on such service, not exceeding the sum of six pence for each foot-man by the day, nor more than twelve pence for each horse-man and dragoon for each day they shall be in such service; which said several and respective sums of money, so to be applotted and raised, shall be paid by the several tenants or occupiers of the land; and one moiety thereof shall be allowed to the tenants or occupiers by the landlord or landlords, mediate and immediate, in proportion to the clear rents received by each of them.

not above 6 d. *per diem* foot, 12 d. horse and dragoons.

paid by tenants or occupiers.

a moiety allowed by landlords in proportion to clear rents.

IV. And forasmuch as the number of papists are very considerable in this kingdom, and it has been found by experience, that they have occasioned frequent rebellions in the same; be it further enacted by the authority aforesaid, That the said respective lieutenants, deputy lieutenants, and commissioners of array, or the major part of them, shall and may raise, or cause to be raised, upon the popish inhabitants, and upon every person who shall refuse to take the Oath of Abjuration (which oath every justice of the peace is hereby impowered to tender) double the sum they should have paid by vertue of this act in case they had been protestants, and had taken the oaths appointed by several acts of Parliament in Great Britain and in this kingdom; and in case of such invasion, insurrection, or rebellion, whereby occasion shall be to draw out such militia into actual service out of their respective counties and places as aforesaid, that then immediately after ten days time the said officers and private men may be mustered by the commissaries appointed by his Majesty for mustering the standing army, and shall be allowed and paid, during such time as they shall be in actual service, the same pay as is allowed and paid by his Majesty to his standing forces in this kingdom; which pay shall issue out of his Majesty's publick treasury or revenue, in the same manner as it is paid to the standing forces.

double on papists, and refusing oath of abjuration.

If on service drawn out of their counties, *&c.* mustered, in 10 days,

and allowed pay as standing forces.

V. And be it further enacted by the authority aforesaid, That the said lieutenants, deputies, and the said commissioners of array, or the major part of them, in the respective counties and places as aforesaid, or the chief officers upon the place in the respective places aforesaid, may take and provide carts, waggons, waynes, cars, carriages, and horses, for the carrying of powder, bullets, and other materials, in the same manner and allowing the same rate *per* mile outwards only for each horse to every such cart, waggon, wayne, car, and carriage, for the uses aforesaid, as are taken upon the marching of any regiment, company, or troop of the standing army; the same to be paid as by an act made in this kingdom, intituled, *An act to prevent the disorders that may happen*

Commissioners, *&c.* to take and provide carriages, and allowing same rate *per* mile outwards, as on marching the army.

paid as by 6 *Anne* 14.

A. D. 1715. Chap. 9.

pen by the marching of ſoldiers, and for providing carriages for the baggage of ſoldiers in their march: and that the ſaid lieutenants or deputies, or the chief officers upon the place, ſhall and may impriſon all mutineers, as well officers as private men, or thoſe who do not their duty at the day of their muſters and training, and other the aforeſaid ſervice; and ſhall and may inflict for puniſhment for every ſuch offence any pecuniary mulct, not exceeding five ſhillings *per diem*, or the penalty of impriſonment, without bail or mainprize, not exceeding one calendar month.

Mutineers, or not doing duty, may be impriſoned not above one month, or fined not above 5 s. *per diem*.

VI. And be it further enacted by the authority aforeſaid, If any perſon or perſons ſo to be aſſeſſed or charged by the ſaid lieutenants and deputies, and commiſſioners of array, or the major part of them reſpectively, ſhall refuſe or neglect by a reaſonable time, to be appointed by the ſaid lieutenant or lieutenants, governor or governors, and deputies and commiſſioners of array, or the major part of them, to pay ſuch ſum or ſums of money, ſo to be aſſeſſed and applotted as aforeſaid, that then it ſhall and may be lawful to and for the reſpective lieutenants and deputies, and commiſſioners of array, and the major part of them aſſembled, (provided that major part be not leſs than three) for every ſuch offence from time to time, by warrant under the hands and ſeals of the commiſſioners then aſſembled, or of the major part of them (provided ſuch major part be three at leaſt, of which the governor or one of the deputy lieutenants of each county ſhall be always one) to levy ſuch reſpective ſum or ſums of money by diſtreſs and ſale of the goods of the perſon or perſons ſo neglecting or refuſing, rendring the overplus to the party ſo diſtrained (all neceſſary charges in levying thereof being firſt deducted) to be applyed to the uſe of ſuch troop or company whereunto the perſon ſo offending did belong, in ſuch manner as the ſaid lieutenants, commiſſioners of array, or the major part of them, ſo aſſembled, ſhall direct.

on refuſal to pay aſſeſſment, levied by diſtreſs, &c. to uſe of the troop or company.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons to be arrayed, armed, and weaponed, ſhall detain or wilfully imbezle the horſe, ammunition, arms, furniture, or any cloaths, with which he ſhall be entruſted for the ſervice of the militia, that it ſhall and may be lawful to and for the reſpective governors, lieutenants, and deputies, and commiſſioners of array, or the major part of them as aforeſaid, to impriſon ſuch perſon or perſons, till he or they ſhall have made ſatisfaction for ſuch horſe, ammunition, arms, furniture, or cloaths, by him detained or imbezeled.

imbezling ammunition, &c. impriſonment till ſatisfaction.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid commiſſioners of array in their ſeveral and reſpective counties, or for the major part of them

them assembled, not being less than three, to array and inlist all such protestants between the ages of sixteen and sixty, as they shall think fit; and upon complaint that any such protestant or protestants within the said ages do neglect or refuse to be arrayed or inlisted, or to find a sufficient man, that shall be a protestant qualified according to this act, to be approved as is herein after mentioned, to serve in his stead, it shall and may be lawful to and for the said lieutenants, and deputies, and commissioners of array, or the major part of them as aforesaid, after due summons served on such person or persons, and refusal, to commit the said person or persons, until he or they, being arrayed, shall appear and enter into the service, and inlist or find such person in his stead as aforesaid; and if such person or persons, after being arrayed and inlisted, shall not appear at the beat of drum and sound of trumpet in counties, cities, or towns, or other usual summons by the commanding officer, at the place appointed for the rendezvous, that then and so often it shall and may be lawful to and for the commanding officer of each troop and company to inflict a penalty on every horseman or dragoon, not exceeding five shillings *sterling*, and on every foot man, not exceeding two shillings and six pence, for each day they shall refuse or neglect to attend the service; and in default of payment to imprison such person or persons for the space of ten days without bail or mainprize.

A. D. 1715. Chap. 9.

Protestants between sixteen and sixty to be arrayed.

on refusal, or not finding a sufficient man, after summons committed,

not appearing, commander may fine horse and dragoons 5 *s.* foot 2 *s.* and 6 *d.* *per* day.

on non-payment, imprisonment ten days.

IX. And be it further enacted by the authority aforesaid, That the said respective lieutenants, deputy lieutenants, and commissioners of array, or the major part of them, shall appoint one or more treasurer or treasurers, clerk or clerks, for receiving and paying all money, which shall be levyed by vertue hereof for the use of the said militia, which treasurer or treasurers, clerk or clerks, shall give sufficient security before the lieutenant or lieutenants, governor or governors, deputies, and commissioners of array, or the major part of them, to account and answer for all such sum or sums of money as they shall receive and disburse; of all which receipts and disbursements the said treasurer or treasurers, clerk or clerks, shall every six months give their accounts in writing, and upon oath, to the said lieutenants, and deputies, and commissioners of array, or the major part of them, who shall be for that purpose assembled; which oath they have hereby power to administer; and that the said accounts so to be taken shall be forthwith certified to the chief governor or governors of this kingdom, and the lords of his Majesty's most honourable privy council; and a duplicate thereof shall be certified to the justices of the peace at the next general quarter sessions; and the said treasurer or treasurers, clerk or clerks, shall be paid such

Treasurers or clerks appointed,

giving security;

to account on oath every six months.

certified to chief governors and council,

a duplicate to sessions.

A. D. 1715. Chap. 9.

gratuity or reward by the ſaid reſpective lieutenants, deputy lieutenants, and commiſſioners of array, or the major part of them, as they ſhall think fit, not exceeding ſix pence *per* pound, for all ſuch ſum or ſums of money as ſuch treaſurer or treaſurers, clerk or clerks, ſhall receive and diſburſe as aforeſaid.

their fees not above 6*d.* *per* pound.

X. And be it further enacted by the authority aforeſaid, That the ordinary times in every year for training, exerciſing, and muſtering the militia, raiſed or to be raiſed by vertue of this act, ſhall be the firſt Monday after the twenty fifth day of March, the firſt day of May, Tueſday in Whitſun week, and the twenty fourth day of June; and if the firſt day of May or the twenty fourth of June ſhall happen to fall on the Lord's day, commonly called Sunday, then the ſaid militia are not to be drawn out or exerciſed on that day, but on the day following.

Times of exerciſe or muſter.

XI. And to prevent the concealing of ſerviceable horſes or arms belonging to papiſts, or to other perſons who ſhall refuſe to take the oath of abjuration of the pretender, when the ſame ſhall be tendered to him or them, which oath every juſtice of peace of the county, where ſuch papiſt or ſuſpected perſons ſhall reſpectively dwell, is by this act authorized to tender to ſuch papiſt or ſuſpected perſons; be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the lord lieutenant, lords juſtices, or other chief governor or governors, and council of this kingdom for the time being, when and as often as they ſhall think the danger of the peace and of the ſafety of the kingdom to be ſuch as to need the ſame, by proclamation to command and authorize all ſheriffs, juſtices of peace, and all or any other civil officers whatſoever to ſeize any horſes, mares, or geldings belonging to any papiſt, or to any perſon refuſing to take the oath of abjuration as aforeſaid, ſerviceable and fit to be imployed or uſed in mounting an horſe man or dragoon in the militia of this kingdom (except breeding mares, ſtallions, and horſes under four years old) and the ſame to detain for the ſpace of ten days; during which time it ſhall be lawful for any officer, or other perſon commanding or ſerving in the militia, to tender and pay the ſum of five pounds to ſuch juſtice of peace, or perſon who ſhall ſeize or have ſuch horſe in his cuſtody, to be paid over to the former owner (deducting thereout the charge of ſeizing and keeping ſuch horſes) and that on payment of the ſaid ſum as aforeſaid, the property of ſuch horſe ſhall veſt in ſuch officer or ſoldier ſerving in the militia; but if no ſuch ſum ſhall be offered for them within the time aforeſaid, ſuch horſe ſhall be returned to the reſpective owners, paying for the ſeizing and keeping the ſame as aforeſaid.

Civil officers may be impowered to ſeiſe horſes of papiſts, or non-jurors, except under four years old, breeding mares, and ſtallions, and detain ten days.

on payment of 5*l.* to ſeiſer for the owner (charges deducted) the property veſted in the militia man:

otherwiſe returned, paying charges.

XII. And

Papiſt or nonjuror, on proof of having horſes or arms at time of proclamation, or a month before, ſhall produce on demand.

XII. And be it further enacted by the authority aforeſaid, That proof being firſt made upon oath before any juſtice of the peace of the county or the city, wherein ſuch papiſt or nonjuring perſon doth reſide, that any papiſt or nonjuring perſon had at the time ſuch proclamation iſſued, or a month before, in his actual poſſeſſion, any horſes, mares, or geldings, fit for the mouning of a horſe-man or dragoon in the militia of this kingdom, or any ſwords, bayonets, fire or other arms, ſuch papiſt or nonjuring perſon ſhall, on demand made by any juſtice of peace, or other civil magiſtrate as aforeſaid, or by any field-officer or captain of horſe or dragoons in the militia aforeſaid, produce and deliver the ſame unto the perſon demanding, or his order, within the diſtrict wherein ſuch papiſt or nonjuring perſon liveth; and in caſe the ſaid papiſt or nonjuring perſon as aforeſaid, ſhall refuſe or neglect to deliver the ſaid horſes, mares, geldings, arms, or any of them, within the ſpace of three days after ſuch proof and demand at ſuch place as by ſuch perſon, demanding the ſame as aforeſaid, ſhall be appointed within the ſaid county, unleſs the ſame were before the time of the information given or ſold *bona fide* and without fraud; then it ſhall and may be lawful to and for any ſuch juſtice of the peace to iſſue his warrant for the apprehending of ſuch perſon ſo refuſing, in caſe he ſhall refuſe to pay the ſum of ten pounds for ſuch horſe, mare, gelding, or arms, not delivered as aforeſaid, him to commit to the goal of the ſaid county, there to remain without bail or mainprize till payment of the ſaid ſum; which ſum ſhall go one half to the informer, and the other to the uſe of the militia of that barony or diſtrict, where the perſon ſo offending ſhall dwell.

on refuſal three days, (unleſs *bona fide* diſpoſed of before information) to be committed till payment of 10*l*.

to informer and militia of the diſtrict.

The counties divided into diſtricts, for convenience of inhabitants;

XIII. And be it further enacted by the authority aforeſaid, That the ſaid lieutenants, deputy lieutenants, and commiſſioners of array, or the major part of them, ſhall and may divide their ſeveral and reſpective counties into ſeveral diſtricts for raiſing the ſaid militia, and forming them into regiments, troops, and companies, as may be moſt convenient for the ſeveral inhabitants, that they may be the ſooner brought together upon any inſurrection, invaſion, or rebellion; and the inhabitants of the ſaid ſeveral diſtricts ſhall, from the time they are ſo appointed to ſerve in ſuch regiment, troop, or company, attend the ſaid ſervice as aforeſaid, under the penalties aforementioned, and ſhall not ſerve in any other regiment, troop, or company.

who ſhall attend as aforeſaid, and not ſerve in any other regiment, *&c.*

not obliged to ſerve, on finding a man qualified, and approved by the captain.

XIV. Provided always, and be it further enacted by the authority aforeſaid, That no perſon ſhall be obliged to ſerve in the ſaid militia, who ſhall find one or more fit or ſufficient man or men, that are proteſtants qualified according to this act, to be approved by his or their captain reſpectively; ſubject neverthe-

A. D. 1715. Chap. 9.

leſs to be altered upon appeal to the lieutenant, deputy lieutenant, or lieutenants and commiſſioners of array, or the major part of them, as there ſhall be cauſe; and that every perſon and perſons, ſo found and provided, ſhall and are hereby required to ſerve as a ſoldier and ſoldiers in ſuch manner, and under ſuch penalties, as are before appointed in this act.

ſubject to appeal.

Where no lieutenants, or governors of counties, commiſſioners of array to have ſame powers.

XV. Provided always, and be it further enacted by the authority aforeſaid, That in counties of towns and cities, where there are no lieutenant or lieutenants, governor or governors of ſuch counties, the commiſſioners of array for the time being for the ſaid counties of towns and cities ſhall have the ſame power and authority within the ſaid counties of towns and cities, as the lieutenant or lieutenants, governor or governors, and the commiſſioners of array, or any of them, for the ſeveral counties of this kingdom have by this act; any thing herein contained to the contrary notwithſtanding.

Papiſt houſekeeper to find a proteſtant, ſufficient and approved by the captain.

XVI. And be it further enacted by the authority aforeſaid, That where any houſekeeper, or maſter of a family within the city of Dublin, or other counties of cities, or counties of towns within this kingdom, is or ſhall be a papiſt, that then and in ſuch caſe ſuch houſekeeper or maſter of a family ſhall and is hereby compellable to find a fit and ſufficient man, who ſhall be a proteſtant, to ſerve in his ſtead, to be approved by the captain of the troop or company, to which he belongs; and in caſe of any diſpute between ſuch papiſt and his captain in relation to the ſufficiency of ſuch man, the ſame is to be determined by the commiſſioners of array, or the major part of them aſſembled, ſo as there be not leſs than three; and in caſe ſuch papiſt houſekeeper or maſter of a family ſhall neglect or refuſe to find ſuch ſufficient man to ſerve in his ſtead, that then ſuch papiſt ſhall forfeit double the ſum a proteſtant would forfeit, in caſe ſuch proteſtant ſhould neglect or refuſe to attend the ſervice of the militia in his own perſon, or by a ſufficient man in his ſtead, when thereto required by beat of drum, or ſound of trumpet as aforeſaid.

Diſputes ſettled by the commiſſioners.

Papiſt refuſing, forfeits double.

Commiſſioners of array for cities, &c. to draw out militia thereof.

XVII. And be it further enacted by the authority aforeſaid, That the commiſſioners of array for the ſaid city of Dublin, and all other cities and counties of towns within this kingdom, or any three of them, whereof the lord mayor, or mayor for the time being (in caſe he is a commiſſioner of array) to be always one, ſhall have full power, by warrant under their hands and ſeals, to cauſe to be lead, trained, or exerciſed, all or any of the perſons raiſed or arrayed within ſuch cities and liberties thereof, at ſuch times as the militia of the ſeveral counties ſhall be drawn out, and likewiſe as often as the chief governors for the time being

ſhall

ſhall think it neceſſary that the militia of the ſaid cities ſhall draw out. A. D. 1715.

XVIII. Provided always, and be it further enacted by the authority aforeſaid, That the ſeveral and reſpective high and petty conſtables in the ſeveral and reſpective counties and counties of cities and towns in this kingdom ſhall upon oath make a full, true, and perfect return, at the firſt aſſizes after the twenty fourth day of June one thouſand ſeven hundred and ſixteen, to be held for the ſaid ſeveral and reſpective counties; and at the next quarter ſeſſions to be held after the time aforeſaid for the county of Dublin, and county of the city of Dublin, of all the proteſtant and popiſh inhabitants, and proprietors of land in each of the ſaid counties; and that the grand jury ſhall reſpectively preſent what number and proportion the ſaid proteſtant and popiſh inhabitants and proprietors bear to each other, and that each of the ſaid popiſh inhabitants and proprietors ſhall pay double in proportion to what each of the proteſtant inhabitants ſhall be obliged to pay towards the militia. Chap. 9.

Conſtables to return on oath at aſſiſes after 24 June 1716, inhabitants and proprietors,

grand juries to preſent the proportion of proteſtant and papiſt,

papiſts to pay double.

XIX. provided, that nothing herein contained ſhall any ways extend to the perſons commonly called Quakers, to make them liable to pay as papiſts or nonjurors, but the ſaid Quakers are to pay only as proteſtants; in caſe they do not ſerve themſelves in the ſaid militia, or find a ſufficient perſon to ſerve in their ſtead; they making the following affirmation or declaration, if it be tendred to them by any juſtice of the peace.

Quakers to pay only as proteſtants,

making following affirmation.

I A. B. *do truly and ſincerely acknowledge, profeſs, teſtify, and declare, That King George is lawful and rightful King of the realm of Great Britain and Ireland, and all other the dominions and countries thereto belonging; and I do promiſe and engage to be a true and faithful ſubject to him and his ſucceſſors in the proteſtant line, as now by law eſtabliſhed: and that I will not plot or contrive any miſchief or hurt to him or them, or be any way concerned therein, but will do my beſt endeavour to diſcloſe and make known to the King and his ſucceſſors, or thoſe in authority under him or them, all treaſons and traiterous conſpiracies which I ſhall know to be againſt him, or any of them: and I do believe in my conſcience, that the perſon pretending to be the prince of Wales during the life of the late King James, and ſince his deceaſe, pretending to be, and taking upon him, the ſtile and title of King of England, by the name of James the third, and of Scotland, by the name of James the eighth, hath not any right or title whatſoever to the crown of the realm of Great Britain or Ireland, or any of the dominions thereto belonging: nor do I believe the Pope, or biſhop of Rome, is Chriſt's vicar on earth, or that he hath power to depoſe heretical princes, as they call them, or abſolve*

A. D. 1715.

absolve me, or any of the King's subjects, of their obedience to him or successors, or any subject of their obedience to their lawful princes; and I also believe the popish doctrine of purgatory, praying for the dead, indulgencies, and worshipping of images, of adoring and praying to the virgin Mary, or other saints deceased, of transubstantiation, or changing the elements of bread and wine into the body and blood of Christ, at, or after the consecration thereof by any person whatsoever, and of killing hereticks, are false, erroneous, and contrary to the truth declared in the holy scriptures: and therefore do believe the communion of the said church is superstitious and idolatrous: and all this I acknowledge, declare, and subscribe, without any equivocation, or mental reservation, according to the true plainness, simplicity, and usual signification of the words: and I profess, that I believe that I shall be liable to everlasting punishment, if I do not sincerely mean and perform what I have now declared and promised.

not to affect members of Parliament.

XX. Provided always, That nothing in this act contained shall any way extend, or be construed, to impeach or affect the person or priviledge of any member of either house of Parliament of this kingdom.

Continuance to 24 June 1718.

continued by subsequent statutes; and, so far as not altered by 19 *G.* 2. 9, *for* 4 *years by* 23 *G.* 2. 8. *and* 10 *years*, &c. by 29 *G.* 2. 8.

XXI. And be it further enacted by the authority aforesaid, That the militia, now actually raised and in being, shall be regulated according to this act. And that this act shall be and continue in force until the twenty fourth day of June one thousand seven hundred and eighteen, and no longer; any thing in this present act to the contrary in any wise notwithstanding.

CHAP. X.

An Act to restrain Papists from being high or petty constables, and for the better regulating the parish watches.

Expired.

WHEREAS the due execution of the laws, and the preservation of the publick peace, do greatly depend on the diligence and fidelity of the high and petty constables: and forasmuch as the said offices in most parts of this kingdom, and especially in such places as are for the greatest part inhabited by papists, are placed in the hands of persons of the popish religion, who in favour to such as are of their own persuasion, and by the instigation and authority of the popish priests, and others of the popish religion, do wilfully neglect to execute warrants to them directed; by means whereof the many good and wholesome laws against notorious criminals, and especially against papists, have not the intended effect: for remedy whereof, and for the better execution of the laws in all times to come, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June one thousand seven hundred and sixteen no person of the popish religion shall be capable of being nominated, appointed, presented, or sworn, or any ways serve as

as high conſtable in any county, barony, or half barony, or as petty conſtable, in any manor, ward, pariſh, conſtable-wick, or place within this kingdom.

II. And be it enacted by the authority aforeſaid That every perſon, who ſhall be appointed an high or petty conſtable after the twenty fourth day of June one thouſand ſeven hundred and ſixteen, within this kingdom, ſhall be firſt preſented by the grand jury of the county, or county of a city or town, at the general quarter-ſeſſions of the peace to be held for ſuch county, or county of a city or town, to the juſtices of the peace in the general quarter-ſeſſions; or in towns corporate by the grand jury at the ſeſſions to be held within ſuch towns corporate, and within manors in courts-leet; in which preſentment ſhall be mentioned the name and place of abode of the perſon and perſons ſo preſented to be high or petty conſtables; and if there be no reaſonable exception to the ſaid preſentment, the juſtices of aſſize, or juſtices in their quarter-ſeſſions, or other ſeſſions of the peace in towns corporate, and the ſeneſchals of manors within their reſpective and ſeveral court-leets, ſhall immediately confirm the ſame, and direct and order a warrant to be iſſued by the clerk of the crown or peace, or ſeneſchal of ſuch court leets reſpectively; which ſaid warrant the ſaid clerk of the crown and peace, or ſeneſchal, are hereby required to iſſue without fee or reward, requiring the ſaid perſon or perſons to appear within ſix days before ſome juſtice of the peace of the ſaid county, or county of a city or town, or, within a manor, before the ſeneſchal thereof; before whom the ſaid perſon or perſons, ſo preſented and ordered to be high or petty conſtables, ſhall take the Oath of Allegiance and Supremacy, and make and repeat The Declaration, as the ſame is appointed by an act made in the ſecond year of her late Majeſty's reign, intituled, *An act to prevent the further growth of Popery*; and take and ſubſcribe the Oath of Abjuration following, *(viz.)* 2 *Anne.* 6.

I A. B. *do truly and ſincerely acknowledge, profeſs, teſtifie and declare in my conſcience, before God and the world, that our Sovereign Lord King George is lawful and rightful King of this realm, and of all other his Majeſty's dominions and countries thereunto belonging. And I do ſolemnly and ſincerely declare, That I do believe in my conſcience, that the perſon pretended to be prince of Wales during the life of the late King James, and ſince his deceaſe pretending to be, and taking upon himſelf the ſtyle and title of King of England by the name of James the third, or of Scotland by the name of James the eighth, or the ſtile and title of King of Great Britain, hath not any right or title whatſoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuſe, and abjure any allegiance or obedience to him. And I do ſwear, that I will bear faith and true allegiance to his Majeſty King George, and him will defend to the utmoſt of my power, againſt all traiterous conſpiracies and attempts whatſoever, which ſhall be made againſt his perſon, crown, or dignity. And I will do my utmoſt endeavour to diſcloſe and make known to his Majeſty, and his ſucceſſors, all treaſons and traiterous conſpiracies, which I ſhall know to be againſt him, or any of them. And I do faithfully promiſe to the utmoſt of my power to ſupport, maintain, and defend the ſucceſſion of the crown againſt him the ſaid James, and all other perſons whatſoever; which ſucceſſion by an act intituled,* An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubjects, is, and ſtands limitted to the Princeſs Sophia, electoreſs and dutcheſs dowager of Hanover, and the heirs of her body being proteſtants. *And all theſe things I do plainly and ſincerely acknowlege and ſwear according to theſe expreſs words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, mental evaſion, or ſecret reſervation whatſoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promiſe, heartily, willingly, and truly, upon the true faith of a chriſtian:*

So help me God:

And alſo The oath of the office of a conſtable in ſuch manner and form, and in the expreſs words, hereafter mentioned and expreſſed to be the form of an oath of

A. D. 1715. Chap. 10.

an high and petty conſtable; which ſaid oaths and declaration the ſaid juſtice of the peace and ſeneſchals reſpectively are hereby required and impowered to adminiſter, and to return a certificate thereof under his hand to the clerk of the peace at the next general quarter-ſeſſions, who is hereby required to file the ſame without fee or reward.

III. And whereas in many places of this kingdom the number of the papiſts do far exceed the proteſtants, whereby the ſaid offices of high and petty conſtables will become very burthenſome and chargeable to the proteſtants, unleſs ſome reaſonable proviſions be made to remedy the ſame: be it enacted by the authority aforeſaid, That at the general Eaſter quarter-ſeſſions of the peace, that ſhall be in the year of our Lord one thouſand ſeven hundred and ſeventeen, and within manors, at the next court-leet that ſhall be after Eaſter-ſunday, in the ſaid year of our Lord one thouſand ſeven hundred and ſeventeen, and ſo yearly at any general Eaſter ſeſſions and court-leet to be held next after Eaſter-ſunday in caſe the juſtices and grand jury, or ſeneſchals and juries of leets, ſhall find the ſame neceſſary and expedient, the high and petty conſtables ſhall return upon oath a full, true, and exact liſt of all the proteſtants and popiſh inhabitants within their reſpective baronies, half baronies, pariſhes, conſtable-wicks, and places where they ſhall ſerve as high and petty conſtables; and thereupon the ſeveral and reſpective grand juries of the ſeveral counties, counties of cities and towns, within this kingdom, and juries in manor-courts-leet, ſhall preſent the number of petty conſtables neceſſary to ſerve yearly in the ſeveral and reſpective pariſhes and conſtable-wicks throughout this kingdom; and likewiſe ſhall preſent the names and numbers of popiſh inhabitants, and likewiſe the names and numbers of proteſtant inhabitants, who are of ability to ſerve as high conſtable within each barony, half barony, or manor, and as petty conſtable in each reſpective manor, pariſh, conſtable-wick, or place; and the juſtices and grand juries at every general Eaſter ſeſſions, and the ſeneſchals and juries of leets within manors at each court-leet, to be held next after Eaſter-ſunday, ſhall annually applot from and after the year of our Lord one thouſand ſeven hundred and ſixteen upon ſuch popiſh perſons, as are ſo preſented to be capable of ſerving as high conſtables, ſuch proportion of the ſum of ten pounds, or of ſuch leſſer ſum as they ſhall think to be a ſuitable reward for the ſervice of ſuch office, as the proportion of the number of ſuch papiſts, ſo preſented for high conſtables, bears to the number of proteſtants of the like condition, in each reſpective barony and half barony; and ſhall annually applot and levy upon ſuch popiſh perſons as are ſo preſented to be capable of ſerving as petty conſtable, ſuch proportion of the ſum of four pounds, or of ſuch leſſer ſum as they ſhall think to be a ſuitable reward for the ſervice of ſuch office, as the proportion of the number of papiſts, ſo preſented for petty conſtables, bears to the proteſtants of the like condition in each reſpective barony or half barony, pariſh, conſtable-wick, or place; which ſaid ſeveral ſums ſhall from time to time be applotted and levied on the ſaid perſons reſpectively in ſuch manner and form, as the publick taxes are levied in ſuch barony, half barony, or diſtrict, and ſhall be annually collected by and paid to the reſpective proteſtant high conſtables and petty conſtables at the twenty fifth of December next enſuing their preſentment and election into ſuch reſpective offices.

IV. And for the more conſtant and regular keeping of watches in the ſeveral pariſhes of this kingdom, whereupon the ſafety of his Majeſty's good ſubjects greatly depends; be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the juſtices of the peace and grand juries of the reſpective counties aforeſaid at the general quarter-ſeſſions to limit, aſcertain, and appoint the number of watch-houſes, which ſhall be erected within their reſpective counties, the places where the ſame ſhall be kept, and what diſtrict or proportion of the pariſhes adjoining to ſuch watch-houſes ſhall contribute to the building, repairing, and keeping ſuch watch-houſes, and keeping watch therein; as alſo to aſcertain and provide a ſufficient number of watch-bills, ſtaves, and halberts for arming the watch, to be provided and paid for as aforeſaid; and that all money raiſed for the ſaid purpoſes

ſhall

ſhall be paid into the hands of ſuch perſons as ſhall by ſuch preſentment be appointed overſeers of the ſaid work, who are hereby required to lay out the ſame to the uſes herein expreſſed, and to no other uſe whatſoever, and to render an account thereof upon oath at the next general aſſizes, or general quarter-ſeſſions, to be held for the ſaid county where the ſaid work is done.

V. And be it enacted by the authority aforeſaid, That ſo many of the reſpective inhabitants within the ſeveral and reſpective pariſhes in this kingdom as any one or more of the juſtices of the peace, inhabiting within or next to the ſaid ſeveral and reſpective pariſhes, ſhall limit and direct, and within corporations ſo many as the chief magiſtrate ſhall limit and direct, ſhall be from time to time the ſettled and eſtabliſhed watch or watches for the ſaid pariſh and pariſhes reſpectively, to watch every night from the twenty ninth day of September to the twenty fifth day of March, or to begin earlier, and continue longer, as the ſaid juſtice or juſtices or chief magiſtrates ſhall direct or appoint; which watchmen are hereby impowered and authorized to ſtop and examine all ſuſpected perſons, and, where they find any who ſhall not give a good account of themſelves, to arreſt, detain, and keep ſuch perſon or perſons in cuſtody till the next day, and him, her, or them to carry before the next juſtice of the peace, to be dealt with according to law.

VI. And be it further enacted by the authority aforeſaid, That where it ſhall be found neceſſary and expedient, that watches ſhould be kept on the confines and borders of ſeveral pariſhes, that then and in ſuch caſe it ſhall and may be lawful to and for the grand juries of the ſeveral and reſpective counties, counties of cities and towns, within this kingdom, at the general quarter ſeſſions of the peace, and within manors by the jury of the leet by preſentment, to direct and appoint the building of a watch houſe or watch houſes on ſuch borders and confines; and likewiſe for the juſtices of the peace, inhabiting in or next to the ſaid reſpective pariſhes, from time to time to order, direct, and appoint, the number of the inhabitants of the ſaid ſeveral and reſpective pariſhes, which ſhall be the ſettled and eſtabliſhed watch, to be kept on the ſaid confines or borders of the ſaid ſeveral pariſhes, to ſerve and attend the ſaid watch in their turn, as is herein directed and appointed, and under the ſame forfeitures and penalties as are herein inflicted on ſuch perſons, as ſhall neglect or refuſe to watch in their turn.

VII. And whereas it is neceſſary for the common ſafety, and particularly for the ſafety of his Majeſty's proteſtant ſubjects, that although in time of peace and tranquility the papiſts as well as proteſtants may be permitted to watch promiſcuouſly in their turns, yet in times of tumult and danger the ſaid watchmen be of the proteſtant religion: be it therefore enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixteen every inhabitant within the ſeveral and reſpective pariſhes of this kingdom, liable to the payment of hearth-money, ſhall in their reſpective turns by himſelf, or ſome other ſufficient perſon to be ſent or appointed by him, keep watch and ward in the pariſh wherein he, ſhe, or they ſhall inhabit or reſide; and that the conſtable or conſtables of every pariſh and conſtable-wick throughout this kingdom ſhall at the Eaſter general quarter-ſeſſions of the peace in every year make and return upon oath a full, true, and perfect liſt of all ſuch inhabitants as aforeſaid within the ſaid ſeveral and reſpective pariſhes and conſtable-wicks; which perſons ſo returned ſhall be the watchmen, who ſhall keep watch and ward within the ſaid ſeveral and reſpective pariſhes, according to the intention and direction of this act, for one year enſuing from the date of ſuch preſentments, in ſuch order as the ſaid perſons are named in the ſaid preſentments: and any perſon ſo named refuſing or neglecting to appear at the ſaid watch, and not continuing there from ſun ſetting till ſun riſing, or not ſending ſome other ſufficient perſon in his or her ſtead to continue for the time aforeſaid, ſhall forfeit the ſum of twelve pence, to be levied of his or her goods and chattles by warrant from ſuch juſtice of the peace before whom ſuch default ſhall be made appear, and in default thereof to be committed to the ſtocks, there to

A. D. 1715. Chap. 10.

remain for any time or ſpace not exceeding twelve hours: and that whenever it ſhall ſeem fit and neceſſary to the lord lieutenant, or other chief governor or governors of this kingdom for the time being, that the pariſh watches in this kingdom ſhall be kept in the ſeveral pariſhes by proteſtant wathmen only, it ſhall and may be lawful to and for the lord lieutenant, or other chief governor or governors of this kingdom for the time being, to iſſue out a proclamation, thereby requiring all juſtices of the peace to iſſue out their warrants to the ſeveral high and petty conſtables in their reſpective counties within this kingdom, requiring and commanding them the ſaid high and petty conſtables, and every of them, to ſettle and fix proteſtants, and none other, to be watchmen in and for their ſeveral and reſpective pariſhes; and that then and in ſuch caſe, when and as often as it ſhall come to the turn of the papiſt or papiſts to watch, ſuch papiſt or papiſts ſhall provide a proteſtant or proteſtants, to be approved of by one or more juſtices of the peace reſiding within ſuch pariſh; and in caſe there be no ſuch juſtice reſident within the ſaid pariſh, then to be approved of by the next juſtice of the peace to watch in his and their turn; and for default thereof, the ſaid juſtice or juſtices are hereby required to appoint a proteſtant or proteſtants to ſerve in the ſtead of ſuch papiſt and papiſts, and to iſſue his and their warrants for the levying and raiſing by diſtreſs and ſale of the goods of ſuch papiſt or papiſts, in whoſe turn or turns ſuch proteſtant or proteſtants ſhall ſerve, the ſum of twelve pence for each night, to be paid to ſuch proteſtant as ſhall watch in the turn of ſuch papiſt; and in caſe ſuch proteſtant or proteſtants, ſo nominated and appointed by ſuch juſtice or juſtices of the peace, ſhall neglect or refuſe to watch according to ſuch appointment or nomination, or to find a proteſtant or proteſtants to ſerve in his or their ſtead, he and they ſhall incur the ſame forfeitures and penalties herein before inflicted on perſons, who neglect or refuſe to watch in their turn: and the oath to be adminiſtred to high and petty conſtables by juſtices of the peace, according to the intent and meaning of this act before expreſſed, ſhall be in the form and words following: *viz.*

You ſhall ſwear, that you ſhall well and truly ſerve our Sovereign Lord King George in the office of high conſtable in the barony or half-barony of A. *or as petty conſtable in the pariſh of* B. *You ſhall ſee and cauſe his Majeſty's peace to be well and duly kept and preſerved according to your power: you ſhall arreſt all ſuch papiſts as you ſhall find wearing, carrying, or having any arms or ammunition without licenſe from the King's Majeſty, or thoſe in authority under him, contrary to law: you ſhall likewiſe arreſt all ſuch as commit or make any riot, or meet on patron days at wells to perform the ſuperſtitious devotions of the church of Rome, likewiſe all ſuch as commit any affray, or unlawfully aſſemble themſelves, or commit any other breach of his Majeſty's peace: you ſhall uſe your beſt endeavour to apprehend all traitors, all popiſh archbiſhops, popiſh biſhops, fryars, monks, jeſuits, and all other regulars of the popiſh clergy, and all papiſts exerciſing eccleſiaſtical juriſdiction, and all popiſh ſecular prieſts, who are not regiſtred, or who have officiated as ſuch, not having taken the oath of abjuration, and all popiſh ſchool-maſters, popiſh uſhers, or coadjutors, and all harbourers of them, contrary to the ſtatutes in ſuch caſes made and provided: and further, you ſhall endeavour to ſuppreſs all riots and unlawful aſſemblies, and to apprehend all felons, rioters, or perſons riotouſly aſſembled; and if any ſuch offender or offenders ſhall make reſiſtance with force, you ſhall raiſe hue and cry: you ſhall do your beſt endeavour, that the watches in your pariſh be duly and regularly kept, without favour or affection, malice, or evil will, according to the direction and intention of an act intituled,* An act to reſtrain papiſts from being high or petty conſtables, and for the better regulating the pariſh watches; *and that the ſtatutes made for puniſhing of rogues and vagabonds, and night-walkers, and ſuch other idle perſons, coming within your bounds or limits, be duly put in execution: you ſhall have a watchful eye to ſuch perſons as ſhall maintain or keep any common houſe or place where any unlawful game is or ſhall be uſed; as alſo to ſuch as ſhall frequent or uſe ſuch places, or ſhall uſe or exerciſe any unlawful games there or elſewhere, contrary to the laws and*

ſtatutes

ſtatutes of this kingdom: you ſhall well and duly execute all precepts and warrants to you directed from the juſtices of the peace of this county according to law: and you ſhall well and duly, according to your power, knowledge, and ability, do and execute all other things belonging to the office of a conſtable, ſo long as you ſhall continue in this office: and you ſhall well and truly account for and pay all ſuch publick money as you ſhall collect, levy, or raiſe, within your diſtrict, purſuant to any warrant or precept to you directed, purſuant to your duty.

So help you God.

VIII. And be it further enacted by the authority aforeſaid, That the juſtice of the peace, at the time of adminiſtring the ſaid oath to any high or petty conſtable within this kingdom, ſhall deliver in writing to ſuch high or petty conſtable, ſuch directions for keeping the ſeveral pariſh watches as is herein before directed, together with a copy of the ſaid oath.

IX. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to alter or change the manner of electing conſtables in the city of Dublin: but that the ſaid elections ſhall continue in the ſame manner as they uſually were; any thing in this act contained to the contrary notwithſtanding.

X. And whereas by the laws of this kingdom the ſeveral houſe-keepers dwelling or inhabiting in any houſe or houſes within the city of Dublin and other cities, being perſons able and fit to watch, or to find an able or fit perſon to watch for him, her, or them, or in his, her, or their ſtead, ought by reaſon of their habitation, occupation, and dwelling in ſuch city, to keep watch within the ſaid city or town wherein he, ſhe, or they do inhabit, for the preſervation of the King's peace, and for the arreſting and apprehending all night walkers, malefactors, and ſuſpected perſons, who ſhall be found paſſing, wandring, or misbehaving themſelves: nevertheleſs the watches of the city of Dublin have of late been found to be very weak and of little uſe, by reaſon of many ill affected perſons, not willing to do any duty for the publick ſafety, who will not yield obedience to the government of the ſaid city, but refuſe to watch, when they are thereto required, whereby the watches are generally much neglected, and the city and the inhabitants therein oftentimes in great danger: and whereas by reaſon of the great number of popiſh inhabitants, and of the great concourſe of people reſorting from all parts to the city of Dublin, it is found of abſolute neceſſity, that a ſtrong and ſufficient watch, conſiſting all of proteſtants, ſhould be regularly kept every night within every ward of the ſaid city and the liberties thereof, and that the ſaid watchmen ſhould be poſted within every ward at ſuch diſtances, and in ſuch manner and order, that conſtables and watches of every ward may maintain and keep a correſpondence and intelligence with each other, and be ready upon ſome ſound or ſign to be made or given to join ſuddenly upon any diſorder or other occaſion to the help and aſſiſtance of one another: and whereas by reaſon of the great number of popiſh houſe-keepers, and inhabitants of the city of Dublin, and of others, refuſing to watch when thereunto required, it is found, as the law now ſtands, altogether unpracticable to eſtabliſh a proteſtant watch in the ſaid city according to the aforeſaid regulations: be it therefore enacted by the authority aforeſaid, That the lord mayor and aldermen of the city of Dublin for the time being, and the ſeneſchals of the reſpective liberties of St. Sepulchre's, Thomas-court and Donore, ſhall have full power and authority for the better ordering and eſtabliſhing of the watches to be duly kept within the ſaid city and liberties, and within all other liberties in or adjoining to the city of Dublin, from and after the twenty fourth day of June, which will be in the year of our Lord one thouſand ſeven hundred and ſixteen, from time to time to appoint ſuch conſtables, and ſuch and ſo many perſons, being proteſtants, to watch every night in each and every the wards of the ſaid city and the ſaid liberties, from eleven of the clock in the evening till five in the morning from the firſt of April till Michaelmas day, and from Michaelmas

A. D. 1715. Chap. 10.

Michaelmas day until the first of April from ten of the clock in the evening till six in the morning, as they shall judge necessary for the security of the publick peace, and safety of the said city and liberties; the said watchmen to be placed at due distances one from another, to the intent that if there should be any disorder or disturbance in the streets, the said watchmen may be ready to join and assist each other.

XI. And for the support and maintenance of such watchmen, and the building or erecting of watch-houses, where the same shall be found necessary; be it further enacted by the authority aforesaid, That all and every the houses within the county of the said city of Dublin, and the liberties aforesaid, shall pay and are hereby charged with the sum of three pence in the pound for every pound of the yearly value of every such house or houses, as the said valuations are returned for the collection of ministers money; and where there is no such valuation to the minister, then to pay such sum as such houses pay to the poor-house in the city and liberties aforesaid; and where no such valuation is or shall be returned, the said houses shall pay three pence in the pound *per annum*, according to the rent payable by the tenants in possession; which said three pence *per* pound shall from the twenty fourth day of June, which will be in the year of our Lord one thousand seven hundred and sixteen, be a charge on the inhabitant or inhabitants of every such house or houses, and shall be levied and received by the church-wardens of the respective parishes, and in places *extra-parochial* by the church-wardens of the adjoining parish, at such time, in such manner, and under such penalties, as the ministers money in the said city and liberties aforesaid is levied by a statute, made in this kingdom in the seven-
17 & 18 C. 2. 7. teenth and eighteenth years of King Charles the second, intituled, *An act for provision of ministers in cities, corporate towns, and making the church of St. Andrew's in the suburbs of the city of Dublin presentative for ever*; and by them respectively paid over to the treasurer of the city for the time being, or to such other person or persons as the lord mayor, aldermen, and seneschals aforesaid, shall appoint for treasurer of the said money; which charge of three pence in the pound on the several houses in the said city and liberties aforesaid shall and is hereby declared to be a discharge to the several house-keepers of the said city from watching in person, or sending an able person in his, her, or their stead; any law, custom, or usage to the contrary notwithstanding.

XII. Provided, that nothing in this act shall extend, or be construed to extend, to charge waste houses, whilst they are so waste and untenanted.

XIII. And be it further enacted by the authority aforesaid, That the lord mayor, aldermen, and seneschals aforesaid shall at the end of every six months lay before the chief governor or governors of this kingdom, and the privy council thereof, a true and perfect account of the annual produce of the said respective sums of money as aforesaid charged, as also how the same have been applied; which account shall be on oath of the officer or officers concerned in receiving or paying thereof, if they shall be thereunto required; and in case of such persons forswearing himself, he shall incur the same penalties as a person convicted of wilful perjury at common law: and in case any surplus profits shall remain after defraying the necessary charges for the support and maintenance of such watchmen, and the building and erecting of watch-houses, such surplus shall be applied towards the buying engines for the quenching fires, that may happen in the said city or liberties.

XIV. And be it further enacted by the authority aforesaid, That if any action, suit, plaint, or information, shall be commenced or prosecuted against any person or persons, for what he or they shall do in pursuance or in execution of this act, such person or persons so sued in any court whatsoever shall and may plead the general issue, and upon any issue joined may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer a discontinuance, or if a verdict shall pass against him, the said

said defendant or defendants shall recover his or their double costs; for which he and they shall have the like remedy as in case where costs by law are given to the defendants. A. D. 1715.

XV. Provided always, That this act of Parliament shall continue and be in force for three years, and to the end of the next session of Parliament, and no longer.

CHAP. XI.

An Act for reviving and amending an act, intituled, *An act for recovery of small debts in a summary way, before the judges of assize.*

FOR the ease of the subject in recovering small debts, dues, and demands, in a summary way, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June in the present year of our lord one thousand seven hundred and sixteen it shall and may be lawful to and for the judges of assize in this kingdom, or any of them in their respective circuits, commonly called the lent and summer-assizes, or in either or any of them, to hear and determine in a summary way by an English bill, or paper petition in English, all manner of disputes or differences between party and party for any sum not exceeding the sum of ten pounds in all actions of debt, actions *assumpsit*, and *insimul computasset*, and the sum of five pounds in all actions of trover and conversion, *quantum meruit*, actions of trespass, or *detinue* for goods or chattels taken or detained, so as the title of lands be not drawn in question in any such proceedings; in which proceeding the defendant shall have the benefit of all matters in his defence, that he might have had, if he had been sued in the ordinary forms of the common law, or in any court of equity: and the said judge or judges are hereby authorized and required, and shall have full power and authority, so to do, and to award and decree execution thereupon, or to dismiss such bill with costs against the body or goods of the parties, against whom they or either of them shall give such decree or dismiss, as also interest thereupon, in all cases where in equity interest ought to be decreed; and in case any judge or judges, before whom such demand shall be tried, shall think it proper to have any fact or facts controverted in the cause tried by a jury, in such case a jury shall be returned instantly by the proper officer to try such fact or facts, that shall seem doubtful to such judge or judges, and the judge or judges shall proceed to make their decree on the verdict of such jury; for the returning of which jury the returning officer shall have the fee of one shilling, and no more,

8 G. 1. 6.
1 G. 2. 14.
31 G. 2. 16. *extended to Dublin.*

Judges of assize may determine in a summary way disputes not above 10 *l.* in *Debt, Assumpsit & insimul computasset*: and 5 *l.* in *Trover, Quantum meruit, Trespass*, or *Detinue*.

1 G. 2. 14. *sums altered.*

Title of lands not drawn in question.

Defendant to have benefit of all matters, as if sued in ordinary forms of law or equity.

Judges may decree or dismiss, with costs against body or goods, and with interest.

Jury may be returned instantly to try any doubtful fact, and a decree on the verdict.

Returning officers fee, 1 *s.*

A. D. 1715. more, and the judges clerk for entring ſuch verdict the fee of ſix pence.

Chap. 11.

Clerk's for entring verdict, 6*d*.

II. And be it further enacted by the authority aforeſaid, That the judge or judges of aſſize, or either of them, ſhall iſſue or cauſe to be iſſued a ſummons or proceſs under the hand of the ſaid judge or judges of aſſize, or his or their clerk, wherein ſhall be expreſſed the plaintiff and defendants name, and cauſe of action, and the day and place of appearance; which proceſs ſhall be made returnable the firſt or ſecond day of every aſſizes, at the direction of the judge or judges; and that no cauſe ſhall be heard, or decree pronounced, upon ſuch petition or Engliſh bill, until it ſhall be proved in open court upon oath by ſome perſon that is of the age of ſixteen years and upwards, and can read ſuch ſummons or proceſs, that the defendant was perſonally ſerved with ſuch ſummons or proceſs ſix days incluſive before the firſt day of that aſſize, by ſhewing the defendant the original ſummons or proceſs, and ſerving him with a copy thereof; and in caſe the defendant cannot be met with, and is not then out of the kingdom, by ſhewing the original ſummons or proceſs to, and leaving a copy of the ſame with the defendant's wife, ſon, daughter, or menial ſervants (ſuch ſon, daughter, or menial ſervants being of the age of ſixteen years) at the defendant's uſual place of abode, the ſame being within ſuch county wherein ſuch aſſizes are to be held; and that if the defendant do not or ſhall not appear after ſervice of ſuch ſummons or proceſs as aforeſaid, in ſuch manner, and proved upon oath as aforeſaid, that then it ſhall and may be lawful to and for the ſaid judge or judges, or any of them, in open court, to hear and examine into the truth of the matter complained of, and to determine the ſaid cauſe, upon examination of credible witneſſes in open court; and in caſe of debt or contract by writing the ſaid judge or judges may determine upon examination as aforeſaid, or by affidavit in writing made before the ſaid judges, or any one of them, to prove the perfection of the ſaid deed, bill, bond, or contract, and to prove his, her, or their hand ſubſcribed to the ſame, and to decree for the plaintiff, or to diſmiſs his bill or petition, as to the ſaid judges, or any of them, ſhall ſeem juſt, and to iſſue executions, returnable the next aſſizes for recovery of all ſums decreed, and ſuch coſts as are herein after mentioned, to be directed to the ſheriff of all or any county or counties within this kingdom againſt the body or goods of the defendant or defendants in caſe of a decree, and againſt the body or goods of the plaintiff or plaintiffs in caſe of a diſmiſs; which the ſheriff of ſuch county, to whom the ſame ſhall be directed, ſhall execute in like manner as any execution iſſued out of any of his Majeſty's Four courts at Dublin; and ſuch ſheriff ſhall

Summons to iſſue, ſigned by judges or clerk, with names of parties, cauſe of action, day and place of appearance, returnable firſt or ſecond day of aſſiſes.

Proof of perſonal ſervice ſix days before aſſiſes; 1 *G.* 2. 14. *twelve days, if above* 10*l.*

or in defendants abſence (not being out of the kingdom) on his wife, ſon, daughter, or ſervant, aged ſixteen, at uſual abode in ſame county. 8 *G.* 1. 6. *on any relation.*

In default of appearance judges to proceed to examine, *&c.*

and iſſue execution returnable next aſſiſes,

to all ſheriffs, againſt. body or goods.

Special warrant at peril of plaintiff.

grant a ſpecial warrant, when demanded by the plaintiff, at the peril of ſuch plaintiff, taking the ſum of one ſhilling, and no more, for the ſame; and the ſaid judges, or any of them, may inflict ſuch puniſhment on the ſheriff or ſheriffs, or any of them, for their contempt, negligence, or miſbehaviour therein, in like manner as other judges are impowered to do in the executing an execution or proceſs, iſſued out of any of his Majeſty's ſaid Four courts at Dublin: and if the plaintiff ſhall not file his bill within twenty four hours after the return of the proceſs, or ſhall not proſecute or proceed in his cauſe, when thereunto required by the court, after ſerving the defendant with ſummons or proceſs to appear as aforeſaid, then the ſaid judges, or any of them, upon oath made that the defendant was ſerved on the plaintiff's behalf with ſuch ſummons or proceſs in manner aforeſaid, ſhall and may diſmiſs the ſaid defendant, and decree and award him ſuch coſts as herein after limitted and appointed, and iſſue execution for recovery and levying thereof as aforeſaid. And where the aſſizes ſhall at any place exceed the term of four days, ſuch judge or judges of aſſize, upon application made on the fourth day after the return of the proceſs, or on any ſubſequent day during ſuch aſſizes, ſhall oblige the plaintiff to proceed in ſuch cauſe; and, in default of his ſo doing, ſhall diſmiſs the bill for want of proſecution, and award the defendant his coſts.

Sheriffs fee, 1*s.* puniſhable for miſbehaviour.

Bill not filed in twenty-four hours, or proceeded upon when required, diſmiſſed with coſts.

Judges, on application fourth day after return, *&c.* ſhall oblige plaintiff to proceed; or diſmiſs with coſts.

III. Provided always, That no perſon ſhall be obliged to appea, before the ſaid judges, or any of them, upon any ſuch ſummons or proceſs, at any aſſize out of the county, where the defendant lives with his family, or uſually reſides.

Defendant not obliged to appear out of county where uſually reſiding.

IV. Provided alſo, and be it further enacted by the authority aforeſaid, That every inhabitant of or perſon reſiding within any county, county of a city or town, who ſhall be ſerved with proceſs to teſtifie and depoſe concerning any matter or cauſe depending at the aſſizes or ſeſſions as aforeſaid, to be held for the county, city, or town where he ſhall then inhabit or reſide, and ſhall at the ſame time have his reaſonable coſts, to be determined by ſuch judge or juſtices, for ſuch attendance, tendered unto him, ſhall be obliged to appear and give his teſtimony, or in default thereof ſhall loſe and forfeit to the party grieved for every ſuch offence ſuch ſum or ſums of money, not exceeding twenty ſhillings, as by the direction of the judge or judges of aſſize, who ſhall iſſue ſuch proceſs, ſhall be reaſonably awarded, according to the loſs and hindrance that the party, who procured the ſaid proceſs, ſhall ſuſtain by reaſon of the non-appearance of the ſaid witneſs or witneſſes; the ſame to be recovered by the party ſo grieved againſt the offender or offenders before the judge or judges

Refuſing to teſtify, on ſummons and tender of reaſonable coſts, penalty to party grieved, not above 20*s.*

A. D. 1715. judges of assize in such manner, as in other causes herein before mentioned.

Chap. 11.

Appeal to next assises,

V. Provided always, That it shall and may be lawful to and for any person, that shall find or think him or herself aggrieved by the decree of the said judges, or any one of them, to appeal to the next going judge or judges of assize for the same county; which appeal the said judges, or any one of them, are hereby required to receive, and stop all proceedings on the decree pronounced; the party appealing first paying the adverse party costs allowed in this act, and entring before the said judge or judges into a recognizance of double the sum decreed, with sufficient bail, to pay the sum decreed against him, with interest and costs, in case no relief shall be had upon the hearing such appeal; and if any fact shall be controverted in such appeal, and shall appear doubtful to any such judge or judges, such fact or facts shall be tryed by a jury, to be returned immediately at the prayer of the party, before the judge or judges of the said next assize to be held for such county and counties where such appeals do lye; and a decree and decrees, execution and executions, shall be given thereon in manner as aforesaid; which said verdict, decree, and execution, shall be conclusive to all parties, and that the same shall not be controverted or reversed in any court of equity.

on paying costs, and on recognisance in double the sum, and bail.

Jury on appeal, as before.

Decree thereon conclusive,

or on depositing sum decreed, and bond of 5*l.* to perform decree, sheriff to stop.

VI. And be it further enacted, That any person, who shall conceive himself aggrieved by such decree, and shall not enter into such recognizance as aforesaid, may deposite the money decreed against him in the hands of the sheriff, and enter into a bond of five pounds, with condition to perform and abide the decree of the next coming judge or judges of assizes, and on his so doing the said sheriff shall stop and forbear further proceeding on the said decree until the next ensuing assize.

This a court of record.

VII. And be further enacted by the authority aforesaid, That the court held by the said judges, or any of them, for hearing and determining the said causes in a summary way by English bill or petition as aforesaid, shall be a court of record; and in case any person, who shall be examined on oath before any judge or judges by virtue of this act, shall commit wilful perjury, and be thereof duly convicted according to law, such person shall be set in the pillory for one hour, and have his ears nailed thereto.

Pillory for perjury.

The several fees.

VIII. And be it further enacted by the authority aforesaid, That the several fees and sums following, and no more or greater sums, shall be paid or taken from any person suing or being sued in the said court, than herein after is limitted and appointed: (that is to say) to the attorney for signing the process, drawing, signing, and entring the bill, two shillings and six pence; for attending

attending the hearing of the cauſe, drawing up the decree or diſmiſs thereon, the ſum of two ſhillings for his own pains, and no more; for the recognizance and bail taken on an appeal, one ſhilling; and if on the appeal the matter be found againſt the appellant, ſuch appellant ſhall pay double coſts; and that no plaintiff be obliged to retain, or to have his or their bill ſigned by, counſel; and that in all caſes wherein counſel appears for the plaintiff, if the plaintiff recover the ſum of five pounds or more, there ſhall be taxed ten ſhillings coſts for ſuch counſel, over and above other fees by this act allowed, and the like fees allowed for counſel for the defendant, where the demand againſt him is five pounds or upwards, if counſel appear for him, and the plaintiff be diſmiſſed; to the clerk of the civil bills for the proceſs, ſix pence; to the clerk of the civil bills for entering the bill, ſix pence; to the clerk of the civil bills for every decree or diſmiſs, twelve pence: to each judge for ſigning every decree or diſmiſs, twelve pence; for every recognizance, twelve pence; to the judge for taking an affidavit in writing, ſix pence; to the ſheriff ſix pence for every pound contained in any execution againſt the body of the party, where ſuch party ſhall be taken in execution; as alſo ſix pence for every pound which ſhall be levied by the ſheriff, ſub-ſheriff, or any of his or their bailiffs, and not by any ſpecial bailiff named at the peril of the perſon, at whoſe ſuit ſuch execution is granted, to be retained by the ſheriff out of the money ſo levied, and not to be demanded before the execution ſhall be executed.

A. D. 1715. Chap. 11.

Appellant to pay double coſts, if againſt him.

IX. And be it further enacted by the authority aforeſaid, That if any ſheriff ſhall ſuffer any perſon, taken in execution by virtue of ſuch decree or diſmiſs, to make his eſcape, he ſhall be liable to the payment of the debt and damages in ſuch decree mentioned, to be recovered before the judge or judges of aſſize, in ſuch manner as in other cauſes herein before mentioned.

Sheriff liable on eſcape.

X. And be it further enacted by the authority aforeſaid, That if any decree or diſmiſs, which ſhall be obtained from the ſaid judge or judges of aſſize, be not executed before the next aſſize, that then and in ſuch caſe it ſhall and may be lawful to and for the plaintiff or plaintiffs in ſuch decree, or defendant or defendants in ſuch diſmiſs, his or their executors or adminiſtrators, to renew the ſame either of the two next following aſſizes to be held for the ſaid county; the plaintiff or plaintiffs, defendant or defendants, firſt making oath, or giving reaſonable ſatisfaction to the judges of aſſize, that he or they have received no part thereof, or, if any part be received, then to renew the ſame for the ſum remaining due on ſuch decree or diſmiſs; which orders of

Decree or diſmiſs not executed may be renewed either of the two next aſſiſes, if no part received, or for the remainder; and ſo from time to time.

A. D. 1715. Chap. 11.

1 G. 2. 14.

renewal may in like manner be from time to time renewed, till the money decreed be fully paid; paying to the attorney for drawing up the ſame the ſum of twelve pence; and to each judge for ſigning, twelve pence; and to the judges clerk for entering, ſix pence, and no more: and that the book, wherein the ſaid cauſes are regiſtred, ſhall be depoſited by the clerks of the judges of aſſize at the end of the aſſize into the hands of the clerk of the crown of the reſpective counties, to be ready to be produced to the next going judge of aſſize, in order to make out renewals of decrees, if occaſion ſhall be.

Fees.

Regiſter book depoſited with clerk of crown.

Decrees under 2 *Anne* 18. not executed, may be renewed.

XI. And whereas heretofore, by virtue of a former act many perſons have had decrees, made by the ſeveral judges of aſſize, or ſeſſions for the county of Dublin, for debts claimed by them by civil bill, which have not yet been executed, the former act expiring; be it further enacted by the authority aforeſaid, That it ſhall be in the power of any judge of aſſize, or at the ſeſſions for the county of Dublin, to renew ſuch decrees in ſuch manner as decrees are hereby directed to be renewed; and the ſaid decrees, ſo renewed, ſhall be executed in ſuch manner as the decrees are appointed by this preſent act to be executed; the parties, againſt whom ſuch decrees have paſſed, or their repreſentatives, being firſt ſummoned by proceſs as aforeſaid.

Proceſs to be ſerved.

None to practice except attorneys admitted in Four courts, appearing in iſſuable terms, &c. nor judges clerk or regiſter.

XII. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall be admitted to practiſe as an attorney before any judge of aſſize in any of the circuits of this kingdom in the recovering of any of the ſaid ſmall debts, but ſuch perſon or perſons only, who are or ſhall be admitted attorneys in one of his Majeſty's Four courts in Dublin, and does appear every iſſuable term in one of the ſaid Four courts, and pay his commons and other duties to the ſteward of the Inns; and that no judges clerk, or regiſter of the civil bills, ſhall be admitted to practiſe in the circuit as attorney for any plaintiff or defendant in any ſuit by Engliſh bill purſuant to this act in his own, or in any other man's, name; and if any perſon ſhall offend herein, he ſhall forfeit for every ſuch offence the ſum of twenty pounds; to be recovered by ſuch perſon who will ſue for the ſame by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record; in which no eſſoign or wager of law ſhall lye, or more than one imparlance; and that no attorney ſhall be ſuffered to practiſe in any of the cauſes aforeſaid in any county or counties, wherein he is or ſhall be a juſtice of peace.

Penalty 20*l.* to proſecutor.

No attorney to practice where a juſtice of peace.

Quarter ſeſſions for county of Dublin may deter-

XIII. And be it further enacted by the authority aforeſaid, That ſuch of his Majeſty's judges or counſels learned in the law, who ſhall with the juſtices of the peace for the county of Dublin

lin hold the general quarter-ſeſſions of the peace for the ſaid county, ſhall and may in like manner at the general ſeſſions of the peace hear and determine all the aforeſaid cauſes of action for ſmall debts or damages aforeſaid in ſuch manner, and under ſuch fees and regulations, as the ſaid judge or judges of aſſize are hereby impowered to hear and determine the ſame, and thereupon to iſſue ſuch proceſs and execution for the obtaining thereof as herein before are limitted and appointed; and that all and every perſon or perſons, that ſhall apprehend him or themſelves to be aggrieved thereby, to have the like benefit of appeal as herein before is directed.

mine as before.

31 G. 2. 16. *in the city of Dublin and liberties.*

XIV. And for avoiding trivial and vexatious ſuits; be it further enacted by the authority aforeſaid, That from and after the twenty fourth day of June in the year of our Lord one thouſand ſeven hundred and ſixteen in all actions of treſpaſs, and actions for aſſault and battery, to be commenced in any of his Majeſty's Four courts in Dublin, and in all actions on the caſe for ſlanderous words, to be ſued or proſecuted by any perſon or perſons in any court of record whatſoever, that hath power to hold plea of the ſame, the plaintiff in ſuch action or actions, in caſe the jury ſhall find the damages to be under the value of forty ſhillings, ſhall not recover or obtain more coſts of ſuit, than the damages ſo found ſhall amount unto; and if any more coſts in any ſuch action ſhall be awarded; the judgment ſhall be void, and the defendant is hereby acquitted of and from the ſame.

In *Treſpaſs, Aſſault*, and *Caſe* for words, if damages found under 40*s.* no more coſts than damages.

XV. Provided always, and be it further enacted by the authority aforeſaid, That if the judge at the tryal of any action of aſſault and battery, or action of treſpaſs, ſhall certify under his hand upon the back of the record, that the aſſault was ſufficiently proved by the plaintiff againſt the defendant; or that the freehold and title of the land mentioned in the plaintiff's declaration was chiefly in queſtion; or that the ſaid treſpaſs was voluntary and malicious, the plaintiff in ſuch caſe ſhall have and recover (though the jury ſhould find damages to be under forty ſhillings) his full coſts of ſuit, as if this act had never been made; any thing herein contained to the contrary notwithſtanding.

22 & 23 *C.* 2. 9. *Eng.* But if the judge certifies the aſſault ſufficiently proved, or the freehold and title of the land in the declaration chiefly in queſtion, or the treſpaſs voluntary and malicious, full coſts tho' damages under 40*s.*

CHAP.

A. D. 1715.

CHAP. XII.

An Act to encourage the draining and improving of the bogs, and unprofitable low grounds; and for easing and dispatching the inland carriage, and conveyance of goods, from one part to another within this kingdom.

8 G. 1. 6.
3 G. 2. 3.
23 G. 2. 5.
25 G. 2. 10.
29 G. 2. 10.

WHEREAS the great tracts of bogs, and fenny, waste grounds, which incumber the mid-land parts of this kingdom, are not only lost and useless to the owners, unpassable and inaccessable in themselves, but a bar and hindrance to the inland commerce of the habitable remainder, a retreat and harbour for malefactors, and an occasion of a corrupt air, to the prejudice of the health and lives of the inhabitants of the territories adjacent: and whereas by a survey and estimate already made of the several rivers, boggs, and other intermediate tracts, whose names, together with the course, situation, and extent of every of them respectively, are hereafter in this act specified, it is judged and represented, that the same are, and that every of them respectively is, fit and capable to be made navigable and communicable together in manner as hereafter in this act is set forth; and that the making such navigable and communicable passages for boats and other vessels of burthen to pass through and from the said mid-land country into the said principal rivers, and thence to the principal sea-ports of the kingdom, hereafter in this act named, would not only open a cheap and expeditious communication betwixt his Majey's subjects inhabiting the several parts of his said kingdom, but would also facilitate, and, by the benefit of such master drains, in a good measure effect the draining, recovering, peopling, and improving the said bogs, and other lost grounds, and thereby recover and enlarge both the land and product of the kingdom, create profitable imployments for the poor, and encrease the revenues and publick funds of the nation in proportion to the trade, wealth, numbers, and employments of the people thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in Parliament assembled, and by the authority of the same, That George Frizell esquire, Henry Crosdall esquire, Samuel Eyre esquire, and John Ringrose esquire, their heirs and assigns, and such person or persons, as they, or any three or more of them, shall nominate and appoint under their hands and seals, their deputies, agents, officers, workmen, and servants, shall be and are hereby authorized and impowered at their proper costs and charges to make the river Shannon navigable, portable, and passable

Undertakers to make the Shannon navigable from Limerick to Carrick Drumrusk.

paſſable for boats, barges, lighters, and other veſſels of burthen, to navigate and paſs therein, and by, and through the ſame, from the now key, wharf, or common landing place of the city of Limerick to the town of Carrick Drumruſk in the county of Leitrim, through and by the counties of Limerick, Clare, Galway, Tipperary, King's-County, Weſt-meath, Longford, Roſcommon and Leitrim, and from time to time to continue, maintain, exerciſe, and uſe ſuch navigation, at his and their will and pleaſure; as alſo by, through, and upon ſuch paſſages, cuts, ſluces, and water-courſes, into the ſaid river, as he or they ſhall think fit, and for thoſe purpoſes to clear, ſcower, cleanſe, open, enlarge, or ſtraighten the ſaid river, or any other ſtreams, brooks, or water-courſes, which already do come or may be hereafter brought into the ſame, and to dig or cut the banks of the ſaid river, or of any other the ſtreams, brooks, or water-courſes aforeſaid, and to make any new cuts, trenches, or paſſages for water, in or through the lands or grounds adjoining, or next unto the ſaid river, ſtreams, brooks, or water-courſes, or any of them, as they ſhall think fit and proper for the navigation and paſſages of boats and other veſſels, or any way neceſſary for the more convenient, eaſy, and better carrying on and effecting the ſaid undertaking, being the ſoil or ground, propriety or other eſtate or intereſt, of the King's Majeſty, his heirs or ſucceſſors, or of any other perſon or perſons, bodies politick or corporate, or to remove and take away all trees, ſtumps, roots, rocks, quarries, gravel-beds, and other bars and impediments whatſoever, which may in any wiſe obſtruct, retard, or impede the current flux and free paſſage of the waters, or hinder the navigation and paſſage of boats, lighters, or other veſſels, either in ſailing, rowing, ſetting, haling, or towing the ſame in, through, or upon the ſaid river, brooks, ſtreams, cuts, or water-courſes, or any of them; and to build, erect, ſet up, and make over, or in the ſaid rivers, ſtreams, brooks, cuts, trenches, and water-courſes, or upon the lands adjoining, or contiguous to the ſame, or to any of them, ſuch and ſo many bridges, ſluces, penns for water-locks, wears, ſtanks, dams, cranes, wharfs, ware-houſes, and other works, as and where they the ſaid undertakers, their heirs, aſſigns, and nominees, ſhall think fit, and from time to time to alter, repair, and amend the ſame, and to make any ways, paſſages, and other conveniencies, for the carrying and conveying commodities, and other things, to and from the ſaid rivers, ſtreams, brooks, cuts, trenches, and water-courſes, and for carrying and conveying all manner of materials for erecting the ſaid works, and for altering, repairing, and amending the ſame, and to lay down, frame, and work the ſaid materials on the ground, near to the place or places where the

A. D. 1715. Chap. 12.

said works or any of them shall be or are to be made, erected, or done; and to amend, highten, or alter any bridges, or turn or alter any high way in or upon the said river, streams, brooks, cuts, trenches, or water-courses, as may any ways hinder such navigation or passage thereon; as also to set out, appoint, and use towing paths and ways for towing, haling, or drawing of boats, barges, lighters, and other vessels passing in and upon the said river, streams, brooks, cuts, trenches, and water-courses, as the said undertakers, their heirs, assigns, and nominees shall think convenient, and to do all other matters and things, which the said undertakers, their heirs, assigns, and nominees shall think necessary for the making and maintaining of the said river, streams, brooks, cuts, trenches, water-courses and passages navigable and passable as aforesaid, or for the improvement or preserving thereof; the said undertakers, their heirs or assigns, first giving satisfaction to the owners or proprietors of such lands, tenements, or hereditaments respectively as shall be digged up, cut, or removed, or otherwise made use of for the carrying on, or effecting, the said navigation, or for maintaining or managing the same, according as is hereafter in and by this act directed and appointed.

First giving satisfaction to the owners of the lands cut, &c.

II. And for the better effecting the premisses, and due rating the things, for which satisfaction shall be given by the intent of this act, be it enacted by the authority aforesaid, That the present members of Parliament, and justices of the peace (the said undertakers only excepted) for the said several next adjoyning counties herein before named, and their successors, to be named and chosen as in and by this act is hereafter directed, shall be, and are hereby constituted and appointed commissioners for settling, determining, and adjusting, in manner hereafter mentioned, all matters, about which any difference may arise between the said undertakers, their heirs, assigns, or nominees, and the proprietors of the said lands, tenements, or hereditaments, and they the said commissioners, or any seven or more of them, are hereby impowered and authorized, and shall have full power and authority, to mediate between the said undertakers, their heirs, assigns, or nominees, and the owners and occupiers of such lands, tenements, and hereditaments, adjoyning or near the said river, streams, brooks, cuts, trenches, and water-courses, as shall be intended to be made use of for the carrying on or effecting the undertaking aforesaid, and to settle and determine what satisfaction every such person or persons, bodies politick or corporate, shall have for such proportion of his, her, or their lands, tenements, or hereditaments as shall be cut, digged, removed, or made use of as aforesaid, and for the damage that shall be thereby sustained, and to adjust and settle what share and proportion of such purchase money,

Members of Parliament and justices of peace for counties adjoining, and their successors, commissioners to determine differences between undertakers and the proprietors, and the proportions of the satisfaction.

Any seven may act.

Altered 8. G. 1. 6. *and other commissioners appointed.* 3 G. 2. 3. 29 G. 2. 10.

money, or ſatisfaction, every tenant or other perſon, having a particular eſtate, term, or intereſt in any of the premiſſes, ſhall have or receive for his, her, or their reſpective intereſt; and if it ſhall happen, that any perſon or perſons, bodies politick or corporate, ſhall decline ſuch mediation, or refuſe to deal or agree with the ſaid undertakers, their heirs, aſſigns, or nominees, or through any diſability by nonage, coverture, ſettlement, intail, or other impediment, cannot contract for the ſame, that then and in every ſuch caſe the ſaid commiſſioners, or any ſeven or more of them, are hereby authorized and impowered from time to time, to iſſue out their warrant or warrants under their hands and ſeals to the ſheriff for the time being of the reſpective county, wherein ſuch lands, tenements, or hereditaments, adjoining or near the ſaid river, ſtreams, brooks, or water-courſes ſhall be ſo intended to be made uſe of for the carrying on and effecting the undertaking aforeſaid, for the ſummoning, impannelling and returning, and the ſaid ſheriff is hereby required accordingly to ſummon, impannel, and return, a jury of able and ſufficient men, qualified according to the laws and ſtatutes of this realm to be returned for tryals of iſſues joined in his Majeſty's courts at Dublin, to appear before the ſaid commiſſioners, or any ſeven or more of them, at ſuch time and place as by ſuch warrant and warrants ſhall be appointed; and alſo to return in iſſues upon every perſon ſo impannelled, and returned, the ſum of forty ſhillings, which ſhall be duly eſtreated and levied; and for default of ſufficient number of jury-men appearing, ſuch ſheriff or his deputy ſhall return other honeſt and indifferent men of the ſtanders by, or that can be ſpeedily procured to attend that ſervice, to make up the ſaid jury to the number of twelve; and all parties concerned ſhall and may have their lawful challenges againſt any of the ſaid jury-men; and the ſaid commiſſioners, or any ſeven or more of them, are hereby impowered to order and authorize the ſaid jury to view the place or places, or matters in queſtion, as they the ſaid commiſſioners, or any ſeven or more of them ſhall think fit; which jury upon their oaths, to be adminiſtered by the ſaid commiſſioners, (which oath, as alſo oaths to ſuch perſon or perſons as ſhall be called upon to give evidence before them, the ſaid commiſſioners, or any ſeven or more of them, are hereby impowered to adminiſter) ſhall enquire and aſſeſs ſuch damages, and recompence, as they ſhall think fit, to be awarded to the owners and occupiers of any ſuch lands, tenements, or hereditaments, or any part thereof as ſhall be uſed for, or damnified by, making the ſaid river, ſtreams, or cuts, navigable, for their reſpective eſtates and intereſts therein, by reaſon of the cutting, digging, removing, or otherwiſe uſing any of his, her, or their lands, tenements,

On refuſal or diſability to agree ſheriffs by warrant from commiſſioners to return juries to view and on oath aſſeſs damage and recompence, 3 G. 2 3.

Talet.

Challenges to the jury.

Commiſſioners to adminiſter oaths,

A. D. 1715. Chap. 12.

or hereditaments, for the purpoſe aforeſaid, or for the loſs or damage, which they ſhall or may reſpectively ſuſtain thereby; and the ſaid commiſſioners, or any ſeven or more of them ſhall give judgment for ſuch ſums, ſo to be aſſeſſed by ſuch juries, and ſhall upon oath as aforeſaid, and by all other lawful ways and means, examine, hear, and finally determine all manner of diſputes and controverſies, which ſhall happen or ariſe between any perſons whatſoever touching or concerning any matter or thing relating to the aforeſaid premiſſes, or any part thereof; which ſaid verdict, and the judgment, decree, or determination thereby declared and pronounced by the ſaid commiſſioners, or any ſeven or more of them, and the value, and recompence to be aſſeſſed and decreed, (notice in writing being firſt given of their meeting at leaſt twenty one days beforehand, declaring the time and place of their meeting, to every perſon concerned, or to be left in writing at the dwelling houſe of ſuch party concerned, or at his, her, or their uſual place of abode, or with ſome tenant or occupier of ſome lands or tenements of ſuch party near the ſaid river, in caſe ſuch party cannot otherwiſe be found out, to be ſerved with ſuch notice) ſhall be binding and concluſive to all intents and purpoſes againſt the Kings Majeſty, his heirs and ſucceſſors, and againſt all and every other party and parties, their heirs and ſucceſſors, executors, adminiſtrators, and aſſigns, and all others claiming any title or intereſt in the ſaid lands, tenements, or premiſſes, or any thing thereunto belonging or appertaining, in poſſeſſion, reverſion, remainder, or expectancy, or otherwiſe, as well infants, *feme coverts*, tenants in tail, as others, and their reſpective heirs, ſucceſſors, executors, and adminiſtrators, and all claiming by, from, or under him, her, or them, or any of them; which ſaid ſentences or decrees ſo made ſhall be ſet down in writing under the hands and ſeals of the commiſſioners, that ſhall make the ſame, and be kept among the records and writings of the ſeſſions of the peace for the reſpective county, wherein ſuch orders, ſentences, and decrees are to be ſo executed; all which, or true copies thereof, ſhall be taken, adjudged, and deemed good and ſufficient evidence and proof in any court of law or equity whatſoever; and that upon payment of ſuch ſum or ſums ſo agreed on, or aſſeſſed to the parties concerned, or tender thereof made at his or their dwelling-houſe, and, if they have no ſuch dwelling-houſe, then at the houſe of ſome tenant, or occupier of ſome lands or tenements of ſuch party near the ſaid river, and if upon ſuch tender as aforeſaid they refuſe, neglect, or avoid to receive the ſame, then upon payment of ſuch ſum into the hands of ſuch perſon or perſons as the ſaid commiſſioners, or any ſeven or more of them, ſhall appoint for the uſe of the parties intereſted as aforeſaid, it ſhall then and not before

and give judgment for ſums aſſeſsed.

21 days notice of meeting to be given.

Such judgments, &c. concluſive,

and kept among records of ſeſſions.

On payment or tender of ſum aſſeſſed, undertakers to proceed.

before, be lawful to and for the said undertakers, their heirs, assignees, or nominees, their agents, work-men, and servants, to remove, dig, cut, or use so much of the said lands, tenements, and hereditaments, for which such satisfaction shall be assessed or decreed as aforesaid, and thereon to make, erect, or to do any works, matters, or things for the effecting and carrying on the said navigation, and for the supporting and maintaining the same, as the said undertakers, their heirs, assigns, or nominees, shall think requisite, and to have, use, and enjoy the same, to and for their own proper use and benefit; and this act shall be sufficient to indemnifie as well the said commissioners, as the said undertakers, their heirs, assigns, and nominees, and all persons employed or authorized by them, against the owners or occupiers aforesaid, their heirs, executors, administrators, or assigns, to all intents and purposes whatsoever.

No commissioner to act where concerned.

III. Provided always, That no commissioner or commissioners shall sit or act in any cause, where he or they are any ways particularly interested or concerned.

On death of commissioner, or refusal to act, the rest (or any 7) may appoint another having 50 l. *per annum* in land. *Altered* 3 G. 2. 3.

IV. And be it further enacted by the authority aforesaid, That for supplying the number of the said commissioners in any case of death, or any of their refusal to act, the surviving or other commissioners, or any seven or more of them, shall from time to time by instrument in writing under their respective hands and seals nominate and appoint some other person or persons within the respective county or counties, wherein such vacancy shall happen, having an estate in land to the value of fifty pounds *per annum*, in the place of him or them so dying or refusing; which said new commissioner or commissioners, so nominated and appointed, shall from thenceforth have like power and authority in all things relating to the matters aforesaid, as if he or they had been expressly named in this act; and every such instrument and nomination of new commissioners shall from time to time be recorded by the clerk of the peace for the county, wherein such instrument shall be so made.

Undertakers may take to their own use, in respect of their charge, for toll 2 d. every 100 lb. weight conveyed, every 10 miles, and 3 d. every passenger. *Altered* 3 G. 2. 3. & 29 G. 2. 10.

V. And be it further enacted by the authority aforesaid, That for and in consideration of the great charges and expences the said undertakers, their heirs, assigns, or nominees, shall be at, not only in making the said rivers, cuts, streams, and passages navigable as aforesaid, but also in repairing and keeping up the works, locks, and other premisses, so to be made and erected as aforesaid, and making them fit and useful for the said navigation, it shall and may be lawful to and for the said undertakers, their heirs, assigns, and nominees, and no others, from time to time and at all times hereafter, to ask, demand, receive, recover, and take to and for their own proper use and behoof in respect of their charges and

A. D. 1715. Chap. 12.

expences aforeſaid, for every hundred weight of all and every ſuch goods, wares, and merchandizes or commodities, as ſhall be boated, carried, or conveyed, up or down the ſaid river Shannon, or other the cuts, ſtreams, or courſes aforeſaid between the ſaid city of Limerick, and the town of Carrick-Drumruſk aforeſaid, any tolls, rates, or duties, not exceeding two pence for every ten miles in length of ſuch navigable river: and alſo for every paſſenger navigating or paſſing therein any toll, rates, or duties not exceeding three pence for every ſuch ten miles as aforeſaid; and in like proportion for any other greater or leſſer number of miles thereof; which miles ſhall be numbered and charged from the key, wharf, or other bank or place where ſuch goods or merchandizes, wares, commodities, or paſſengers ſhall be loaden or taken on board ſuch boat or other veſſel to the key, wharf, or other bank or place, where the ſame ſhall be again unloaden or put on ſhore, at the length and rate of common Iriſh miles: (that is to ſay) at one Engliſh mile and an half or twelve furlongs at leaſt to each mile; and ſhall for the avoiding of controverſies or diſputes in the levying or paying the ſaid toll, rates, or duties, and by direction and approbation of the ſaid commiſſioners, or any ſeven or more of them, be ſet out and marked at the end of every ſuch ten miles, beginning at and from the ſaid key of Limerick upwards, with pieres, collums, or breaches of timber, ſtone, brick, or other conſpicuous and diſtinguiſhable marks, to be erected and placed in or croſs upon any or either bank of the ſaid river, ſtreams, cuts, trenches, and water-courſes at the end of every ſuch ten miles as aforeſaid.

12 furlongs a mile.

A mark at every 10 miles.

VI. And be it further enacted by the authority aforeſaid, That in caſe of refuſal, neglect, or denyal of payment on demand of the ſaid ſeveral rates and prices beforementioned, the ſaid undertakers, their heirs, aſſigns, or nominees, ſhall or may ſue for the ſame by action of debt, or upon the caſe, in any court of record; or detain, with-hold, or make ſtay, by way of diſtreſs, of any goods, or any veſſels carrying any ſuch goods, commodities, or paſſengers, for which the ſaid rates and prices ought to be paid; and if ſuch diſtreſs ſhall not be redeemed, by paying the ſaid rates and prices according to this act, together with the reaſonable and neceſſary charges for ſuch diſtraining, within ſixteen days after taking thereof, the perſon or perſons diſtraining may with the conſtable, or other officer of the place, where ſuch diſtreſs ſhall be taken, (who is hereby required to be aiding and aſſiſting therein) cauſe the ſaid veſſel or goods ſo diſtrained, or any part thereof, to be appraiſed by two ſworn appraiſers, to be appointed by ſuch conſtable or other officer, whom ſuch conſtable or other officer is hereby impowered to ſwear to appraiſe the ſame truly and indifferently

Undertakers may ſue for ſaid toll, or diſtrain the ſaid goods, and ſell if not redeemed in 16 days,

ferently according to the beſt of their judgment; and after ſuch appraiſement ſhall and may lawfully ſell the ſame, or any part thereof, for ſatisfaction of ſuch rate or duty, and of the charges of ſuch diſtreſs, appraiſement, and ſale; leaving the over-plus, if any be, in the hands of ſuch conſtable or other officer for the owners uſe; in which caſe no replevin ſhall lye, or be granted, or executed againſt ſuch diſtreſs, but the whole and abſolute property thereof after ſuch ſale ſhall be and remain in the vendee. A. D. 1715. Chap. 12. againſt which no replevin lies.

VII. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners, or any ſeven or more of them, together with the ſaid undertakers, their heirs, aſſigns, or nominees, by any inſtrument or inſtruments in writing under their hands and ſeals ſhall from time to time, and at all times hereafter, make, publiſh, alter, repeal or amend ſuch orders, by-laws, and regulations, for the better management of the navigation aforeſaid, with penalties for the breach thereof as they ſhall think reaſonable; and ſhall and may iſſue out their warrants for all and every ſum and ſums of money, that ſhall be ſo aſſeſſed, for ſuch breaches or other damages touching and concerning the premiſſes, to be levied in ſuch manner, as for touching and concerning the rates and taxes, by this act appointed to be paid, is herein already directed and declared. Commiſſioners and undertakers may make and alter by-laws for regulating ſaid navigation, with penalties for breach. 29 *G.* 2. 10.

VIII. And be it further enacted by the authority aforeſaid, That in caſe any diſpute or difference ſhall ariſe betwixt ſuch undertakers, their heirs, aſſigns, or nominees, and the owner or maſter of ſuch boat or other veſſel, or of ſuch goods, wares, merchandizes and other things, which by this act ſhall be liable to the payment of any of the duties or ſums of money aforeſaid concerning the weight or quantity of the ſame, or if ſuch maſter or owner ſhall refuſe to make oath thereof, (which oath ſuch undertakers, or any of them, are and is hereby impowered to adminiſter) it ſhall then and in ſuch caſe be lawful to and for ſuch undertakers, or any of them, or their heirs, aſſigns, and nominees, to weigh or cauſe to be weighed all ſuch goods, wares, merchandizes and things, and the ſaid maſter or owner of ſuch boats, goods, or other things, ſo liable to the payment of ſuch duty as aforeſaid, ſhall bear and pay the coſts and charges of ſuch weighing thereof; and in caſe of refuſal or neglect ſo to pay the ſame, ſuch undertakers, their heirs, aſſigns and nominees, ſhall and may have the like remedy for recovery thereof, as by force of this act he or they ſhall or may have for the recovery of the ſaid duties, or of any ſum or ſums of money payable for or on account thereof, as aforeſaid. Undertakers may adminiſter oath as to the weight, and on refuſal may weigh the goods, at charge of owner, &c.

IX. And

A. D. 1715. Chap. 12.

IX. And whereas it will be neceſſary in ſome places to hale and tow up barges, boats, lighters, and other veſſels by the ſtrength of men, horſes, engines, and other means: be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for water-men, boat-men, and barge-men, paſſing and navigating upon the ſaid river, ſtreams, cuts, or water-courſes, and their helpers and aſſiſtants, to ſet up and make uſe of winches, capſtains, and other engines in convenient places, and the ſame to uſe by ſtrength of men, horſes, or other draught, going upon the banks or land near the ſaid river, ſtreams, cuts, or water-courſes, in convenient manner, without the hindrance, trouble, or interruption of any perſon or perſons, and to draw or hale up any barges, boats, lighters, or other veſſels thereby.

Boatmen may ſet up engines on the banks to draw up veſſels.

X. And for preventing of damages or miſchief that may be done or committed by any rude or diſorderly perſons rowing, navigating, or managing boats, barges, or other veſſels, in or upon the ſaid river, ſtreams, cuts, or water-courſes; and to the end that the maſters and owners thereof may be more careful therein, be it enacted by the authority aforeſaid, That the maſter and owner of any barge, boat, or veſſel, they, or either of them, ſhall be and are hereby made accountable and reſponſible for any damage or miſchief, that ſhall be done by his men to any of the bridges, weyers, or locks, dams, and engines, in, upon, or near the ſaid river, ſtreams, cuts, or water-courſes, or for any treſpaſs or damage, which ſhall be done to the owners or poſſeſſors of any lands or tenements adjoyning to the ſame, or any of them; and the ſaid maſter or owner of ſuch boat or veſſel ſhall and may be ſued and proſecuted for the ſame in any court of record, and, if found guilty, or a verdict paſs againſt him, or judgment be given againſt him, the plaintiff in any ſuch caſe ſhall not only recover the damages, which he ſhall have thereby ſuſtained, but alſo full coſts, with the like remedy for the ſame as when coſts by law are awarded.

Boat-owners reſponſible for damage by the men,

with full coſts.

XI. And be it further enacted by the authority aforeſaid, That the ſaid river Shannon between the ſaid key of Limerick and the town of Carrick-Drumruſk aforeſaid, or any of the matters or things which ſhall be made, erected, or uſed for making and keeping the ſaid river, and the ſtreams, brooks, cuts, and water-courſes aforeſaid navigable, portable, and paſſable as aforeſaid, ſhall not be under the ſurveys or orders of any commiſſion of ſewers granted or erected, or to be granted or erected, in this kingdom, nor ſubject thereto, nor to any law or ſtatute made, or to be made, for ſewers, unleſs they are particularly named; any law or ſtatute to the contrary notwithſtanding.

The river Shannon, &c. not ſubject to commiſſion of ſewers,

unleſs particularly named.

XII. And

XII. And be it further enacted by the authority aforeſaid, That if the ſaid undertakers, their heirs, aſſigns, or nominees, ſhall in purſuance of the powers in this act by any means raiſe the water in the ſaid river above its antient or uſual height, whereby the adjacent lands may be more liable to be overflowed or damaged, than they have formerly been, that then they the ſaid undertakers, their heirs, aſſigns, and nominees, at their own proper coſts and charges ſhall cauſe all the banks of the ſaid river to be proportionably raiſed and heightened in all places, where need ſhall require, ſo that the new banks ſhall be able and ſufficient to contain the waters at ſuch their raiſed heights; and alſo ſhall from time to time maintain and repair the ſaid banks, as often as occaſion ſhall require; and ſhall alſo make and maintain in ſuch new banks ſuch and ſo many ſluices and outlets for drawing water out of the adjacent meadows and grounds, as the ſaid commiſſioners, or any ſeven or more of them, at any meeting upon ſuch notice as aforeſaid ſhall direct and appoint; or if the ſaid undertakers, their heirs, aſſigns, or nominees, in purſuance of the powers aforeſaid ſhall make any new cuts or trenches, by reaſon whereof any perſon or perſons ſhall not have convenient ingreſs or egreſs into, or out of, their reſpective grounds, or other hereditaments, or any part thereof, as occaſion ſhall require, that then and in ſuch caſe the ſaid undertakers, their heirs, aſſigns, and nominees, at their own proper coſts and charges, ſhall erect and build ſuch ſufficient bridge or bridges over every ſuch new cuts, as by the ſaid commiſſioners, or any ſeven or more of them, ſhall be directed.

Undertakers to raiſe and maintain banks to hinder overflowing, where neceſſary;

and make bridges over new cuts.

XIII. And be it further enacted by the authority aforeſaid, That it ſhall be lawful for any owners and occupiers of any lands, adjoyning to the ſaid intended navigable paſſages, to uſe any pleaſure boats upon the ſaid river, without any interruption from the ſaid undertakers, their heirs, aſſigns, or nominees, and without paying any rate or duty for the ſame; no ſuch goods, merchandizes, paſſengers, or other things being carried therein, as are hereby made liable to the ſaid duties.

Pleaſure boats may be uſed without toll.

XIV. And be it further enacted and declared by the authority aforeſaid, That the ſaid river Shannon is, and for ever hereafter ſhall be, eſteemed and taken to be navigable from the ſaid key or wharf of Limerick aforeſaid, to the ſaid town of Carrick-Drumruſk; and that all the King's liege people whatſoever may have, and lawfully enjoy, their free paſſage, in, along, through, and upon the ſaid river Shannon, with boats, barges, lighters, and other veſſels; and alſo all neceſſary and convenient liberties for navigating the ſame, without any let, hindrance, or obſtruction whatſoever, paying ſuch rates and duties as are by this act

Said river deemed navigable, and a free paſſage on paying ſaid rates.

A. D. 1715. Chap. 12.

act appointed to be paid to the ſaid undertakers, their heirs, aſſigns or nominees, for the conveniency and aſſiſtance of the navigation thereof from the ſaid wharf or key of Limerick up to the ſaid town of Carrick-Drumruſk, or down the ſaid river from the ſaid town of Carrick-Drumruſk to the ſaid wharf or key of Limerick aforeſaid; and in any other ſhorter or leſſer extent thereof.

General iſſue may be pleaded on executing this act, and defendant may recover full coſts.

XV. And be it further enacted by the authority aforeſaid, That if any action, ſuit, or information, ſhall be commenced or proſecuted againſt any perſon or perſons for any thing, that he or they ſhall do or cauſe to be done in purſuance of this act, or for executing any of the powers and authorities, or any of the orders and directions herein mentioned, all and every perſon and perſons, ſo ſued and proſecuted in any court whatſoever, ſhall and may plead the general iſſue, and give this act and the ſpecial matter in evidence; and if in any ſuch ſuit the plaintiff or proſecutor ſhall become nonſuit, or forbear proſecution, or diſcontinue his ſuit, or if a verdict ſhall paſs againſt him, or judgment be given againſt him upon a demurrer, then in any of the ſaid caſes the defendant or defendants ſhall recover full coſts; for which he or they ſhall have the like remedy, as where damages or coſts by law are awarded; and this act ſhall be taken and allowed in all courts within this kingdom as a publick act; and all judges and juſtices are hereby required to take notice thereof as ſuch, without ſpecial pleading the ſame; ſaving always, reſerving to the lords, owners, or proprietors of all royalties or liberties of fiſhing or fowling in or upon the ſaid river, ſtreams, or water-courſes, their reſpective rights and priviledges of fiſhing and fowling in and upon the ſame; any thing herein contained to the contrary notwithſtanding.

This a publick act.

Saving royalties or liberties of fiſhing or fowling.

If damages ſuſtained, commiſſioners to aſcertain the ſame by jury, and give judgment and coſts.

XVI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, at any time after the ſaid river is made navigable, ſhall happen to ſuſtain any damage or injury in his or their meadow-grounds, lands, tenements, hereditaments, mills, weyers, or water-engines, otherwiſe than is provided for by this act, by the ſaid undertakers, their heirs, aſſigns, or nominees, raiſing the water too high, or not ſufficiently making up or repairing the banks of the ſaid river, or cleanſing the ſame, or by their taking away, waſhing, or diverting water from the ſaid mills or water engines; in ſuch caſe the ſaid commiſſioners, or any ſeven or more of them, ſhall enquire of and aſcertain ſuch damages by jury, and give judgment for the ſame, with coſts to the parties grieved, in the very ſame manner and form, as the recompence and damage are herein before appointed to be aſſeſſed for any lands, tenements, or hereditaments, that ſhall be any ways made

made uſe of, cut, or damnified in making the ſaid river navigable; and on default of payment thereof by a certain day, to be appointed by the ſaid commiſſioners, they the ſaid commiſſioners, or any ſeven or more of them, ſhall and may ſequeſter and aſſign over all and every the rates and duties, herein before appointed to be paid for the carriage of any goods upon the ſaid river, unto, and for the uſe of the party or parties, for whom ſuch damages are aſſeſſed, until he or they ſhall be thereby fully paid and ſatisfied all ſuch damages and coſts as aforeſaid, in order and courſe ſucceſſively, as ſuch judgment for the ſame ſhall be in priority of time, and ſhall be taken, had, and recovered, by the perſon or perſons ſo appointed to receive the ſame, in ſuch manner, and by and with the like powers, priviledges, and authorities, as the ſaid rates and duties are herein before appointed to be recovered by the ſaid undertakers, their heirs, aſſigns or nominees.

A. D. 1715. Chap. 12.

and in default of payment ſequeſter and aſſign ſaid rates and duties.

XVII. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to impower the ſaid commiſſioners, undertakers, or other perſon or perſons whatſoever, to pull down or abate, or otherwiſe injure the ſalmon weyre or ſalmon fiſhery of Limerick aforeſaid, commonly called The Salmon Weyre of Parteen, or The great Lax Weyre; nor to make any cut or channel, or ſet up any lock, ſluice, flood-gate or device in the channel or banks thereof; nor to alter or remove the current, or to make any other new channel, or cut in or through the banks on either ſide of the ſaid weyre, or in or through the lands thereto adjoining; nor to do any other act or thing which may prejudice, annoy, or in any wiſe impair or damnify the ſaid weyre, or the fiſhery thereof, until ſuch time as the owners or occupiers thereof by articles, or other proper inſtrument or inſtruments under their hands and ſeals, to be recorded in the office of the clerk of the peace for the ſaid county of Limerick, ſhall have freely conſented and agreed to the making and perfecting ſuch navigation in, through, or by the ſaid weyre, or the lands thereto adjacent, and not otherwiſe; any thing in this act to the contrary contained in any wiſe notwithſtanding.

not to injure the ſalmon weyre at Limerick, &c.

XVIII. And to the end that the like proviſion may be made for the ſeveral other rivers, boggs, and intermediate tracts in this act hereafter named, and that the ſame may be likewiſe opened, cleanſed, and made navigable, as well for the preſent diſcharging and carrying off the waters from the ſaid ſeveral tracts of boggs, and other loſt and uſeleſs grounds, whereby to facilitate the further reclaiming and improving them hereafter, as alſo for the navigation and paſſing of boats, and other veſſels of burthen

A. D. 1715. Chap. 12.

then therein, in order to the eaſing and diſpatching the carriage and conveyance of goods, and thereby creating and maintaining an inland comunication and commerce betwixt the ſeveral counties and territories thereto adjacent; be it further enacted by the authority aforeſaid, That the ſeveral and reſpective liſts of commiſſioners hereafter in this act ſeverally inſerted, and their ſucceſſors, ſhall be and are hereby conſtituted and appointed commiſſioners to inſpect, direct, and ſuperintend, and alſo to ſettle, determine, and judge, all matters and differences touching the opening, cleanſing, making, and keeping navigable the ſeveral and reſpective rivers, boggs, ſlows, and other intermediate tracts, to which they are herein reſpectively annexed or ſubjoined; for which purpoſe it is hereby declared and enacted, That the ſaid commiſſioners in the ſaid reſpective liſts hereafter in this act inſerted, and their ſucceſſors, to be named and choſen in like manner as the ſucceſſors of the commiſſioners for the ſaid river Shannon are herein already appointed to be named and choſen, and every of them, ſhall from time to time, and at all times hereafter, have, uſe, exerciſe, and enjoy, ſuch and the like powers, priviledges, liberties, and authorities, in all things, and to all intents, conſtructions, and purpoſes whatſoever, and ſhall do, execute, and perform all and every ſuch acts, matters, and things, for and towards the promoting, finiſhing, regulating, and preſerving the ſeveral navigations and other improvements, with reſpect to the ſeveral rivers and tracts, for which they and every of them are reſpectively herein appointed to be commiſſioners, and to which they are by their ſaid ſeveral liſts hereafter in this act reſpectively for that purpoſe ſubjoined or annexed as aforeſaid, and not further nor otherwiſe, as or which they the ſaid other commiſſioners herein already appointed for the ſaid river Shannon, their ſucceſſors, or any of them, by virtue of this act ſhall, may, or ought to have, uſe, exerciſe, or enjoy, with reſpect to the navigation of the ſaid river Shannon, and to the inſpection, conſervation, and government thereof.

Commiſſioners and their ſucceſſors as to navigation of other rivers, &c. with like powers as before,

XIX. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid commiſſioners hereinafter appointed, and their ſucceſſors, for regulating and preſerving the reſpective navigation of the ſaid other rivers and tracts, or the major part of any of the ſaid reſpective liſts of them, at their firſt general meeting or meetings, or at any time or times hereafter, by any inſtrument or inſtruments in writing under their hands and ſeals to impower, authorize, and conſtitute ſuch perſon or perſons to be undertaker or undertakers for carrying on, and compleating, at the proper coſts and charges of

and to appoint undertakers, grant the toll, &c.

of ſuch undertaker or undertakers, ſuch reſpective navigations of and in the ſaid reſpective rivers and other tracts, for which they are or ſhall be commiſſioners, as to ſuch commiſſioners, or to ſuch major part of them, ſhall ſeem fit; and thereupon to grant, aſſure, convey, and confirm to ſuch undertaker or undertakers, and to his and their heirs, aſſigns, and nominees, in conſideration and ſatisfaction for the charges and expence which they ſhall be at in the making, carrying on, and perfecting ſuch reſpective navigation or navigations, and in ſupporting, repairing, and conſerving the ſame, when ſo perfected, all and every the toll, rates, duties, prizes, profits, benefits, and advantages, which by virtue of this act ſhall or may accrue or ariſe by the ſaid navigation or navigations. A. D. 1715. Chap. 12.

Such undertakers to enjoy the ſame, with like benefit, &c. as before.

XX. And it is hereby enacted, That ſuch undertaker and undertakers ſo named and appointed, their heirs, aſſigns, and nominees, ſhall accordingly have, hold, poſſeſs, and enjoy all ſuch toll, rates, duties, prizes, perquiſites, benefits, and advantages, to him or them ſo granted and conveyed by the ſaid commiſſioners, together with all and every other eſtate, right, and intereſt of and to ſuch reſpective navigation or navigations, and every part thereof, to the ſole and proper uſe, behoof, and benefit of ſuch reſpective undertaker or undertakers, his and their reſpective heirs, aſſigns, and nominees for ever, in as large, ample, and beneficial manner, and with ſuch and the like remedy for recovery thereof; but with the like ſaving and indemnity to all and every the rights, royalties, and priviledges; and alſo ſubject to the like payment of recompence and ſatisfaction for all and every the lands, tenements, and hereditaments, mills, weyres, fiſheries, and other eſtate or intereſt whatſoever, of all and every perſon and perſons, body and bodies politick and corporate, which ſhall or may be removed or abated, or in any wiſe injured, prejudiced, or damnified thereby; and in all points ſubject to the like inſpection, regulations, orders, decrees, and directions of the ſaid commiſſioners, and to the like limitation in the levying of the ſaid toll and duties, with the like reſpect and proportion to the burthens and voyages of veſſels trading within ſuch reſpective navigations, and every of them, as they the ſaid other undertakers, herein already named for the river Shannon aforeſaid, their heirs, aſſigns, and nominees, are in and by this act impowered and intituled to carry on, and perfect, ſupport, and preſerve the navigation of the ſaid river Shannon; and to have, hold, poſſeſs, and enjoy the toll, rates, duties, benefits, profits, and other right, title, eſtate, and intereſt, with all powers, authorities, and other benefits and advantages thereunto annexed, as the

A. D. 1715. Chap. 12.

same are, and every of them is, in and by this act already limitted, and not otherwiſe.

XXI. And for the more orderly carrying on and effecting, preſerving, and regulating the ſaid ſeveral ſervices, by appointing ſuch commiſſioners to inſpect into and govern the ſame, as by the vicinity of their reſpective abodes to the reſpective rivers, bogs, and other tracts, ſo committed to their care, and alſo by their reſpective intereſt, authority, and reputation in the ſeveral counties thereto adjoining, may be fitteſt and ableſt to inſpect into, and to direct and regulate the ſame; be it further enacted by the authority aforeſaid, That the order and diſpoſition of the ſeveral liſts of the ſaid commiſſioners for the ſaid ſeveral rivers hereafter named, and for the reſpective navigable and communicable drains, cuts, and paſſages to the ſaid ſeveral rivers reſpectively appropriated and belonging, and for inſpecting into, and directing and governing the reſpective navigations therein, and the orderly carrying on, and effecting, exerciſing and preſerving the ſame, ſhall be as follows: (that is to ſay) for part of the river Liffy, the Rye, part of the Boyne, the Mungagh and Broſny, and for the navigable and communicable drains, cuts, canals, and paſſages betwixt them, bearing weſt ſouth-weſt from the city of Dublin, to fall into the Shannon at Bannagher, by and through the counties of Dublin, Meath, Weſt-meath, Kildare, and King's-county: and for the ordering, directing, and governing the navigation therein, and all things relating to the carrying on and effecting, and to the orderly uſing and managing the ſame, when perfected, the perſons following: (that is to ſay) the preſent members of Parliament, and juſtices of the peace for the ſaid ſeveral adjacent counties in this paragraph already named, and their ſucceſſors, to be hereafter named and choſen in ſuch manner as the ſucceſſors of the ſaid commiſſioners for the ſaid river Shannon are herein before directed to be choſen, ſhall be and are hereby appointed and declared commiſſioners, to have the like powers and authorities, and to the like uſes, truſts, and purpoſes, with reſpect only to the ſaid rivers and canals in this paragraph already mentioned, as in and by this act are granted to and veſted in the ſaid commiſſioners for the river Shannon aforeſaid, and not otherwiſe. And alſo for the river Barrow, and the navigable canal to be joined thereto, bearing north north-weſt from the town of Roſſe in the county of Wexford, to fall into the grand canal leading from Dublin to Limerick, in that part of the great Bogg of Allen, called Monroe, lying betwixt Croghan in the King's-county, and Beggar's-bridge in the county of Weſt-meath, through and by the counties of Wexford, Kilkenny, Catherlogh,

Order and diſpoſition of the ſeveral liſts of commiſſioners,

for the rivers Liffy, Rye, Boyne, Mungagh, & Broſny,

Barrow,

therlogh, Kildare, King's and Queen's counties, and West-meath, the persons following: (that is to say) the present members of Parliament, and justices of the peace of the said several adjacent counties in this paragraph already named, and their successors, to be named and chosen in like manner as for the river Shannon aforesaid, shall be and are hereby appointed commissioners with like powers and authorities, and to the like uses, trusts, and purposes, with the said commissioners for the river Shannon aforesaid, and not otherwise. And also for the river and bogg of Glyn, with the rivers of upper and lower Bann, bearing and extending north and north-west from Newry in the county of Down to Coleraine in the county of London-derry, through and by the counties of Down, Lowth, Armagh, Antrim, Tyrone, and London-derry, the persons following: (that is to say) the present members of Parliament, and justices of the peace for the said several adjacent counties in this paragraph already named, and their successors, to be named and chosen in like manner as is herein before declared, shall be and are hereby appointed commissioners, with the like powers, and to the like uses, trusts, and purposes, with the said commissioners for the said river Shannon, and not otherwise. And also for the rivers Nore and lower Brosny, bearing and extending north north-west from Waterford and Ross, into the grand canal aforesaid at Eyre-court, through the counties of Waterford, Wexford, Kilkenny, Catherlogh, Queen's-county, Kildare, King's-county, and West-meath, the persons following; (that is to say) the present members of Parliament, and justices of the peace for the said several adjacent counties in this paragraph already named, and their successors, to be hereafter chosen in like manner as for the other rivers aforesaid is herein before directed, shall be and are hereby appointed commissioners with the like powers, and to the like uses, trusts, and purposes, with respect to the rivers and canals in this paragraph already named, as the said commissioners of the said river Shannon, and other rivers aforesaid, and not otherwise. And also for the rivers Liffy and Greece, with the navigable communication betwixt them, bearing and extending south-west from Dublin to Kilcullen, and thence into the Barrow near Carlow, through the counties of Dublin, Meath, Kildare, Queen's-county, and Carlow, the persons following: (that is to say) the present members of Parliament, and justices of the peace for the said several adjacent counties in this paragraph already named, and their successors, to be hereafter chosen in like manner as for the other rivers is herein before directed, shall be and are hereby appointed commissioners, to have the like powers and authorities,

Glyn and Bann,

Nore and lower Brosny,

Liffy and Greece,

and

A. D. 1715. Chap. 12.

and to the like truſts and uſes, with reſpect only to the ſaid rivers and canals in this paragraph already named, as the ſaid commiſſioners for the other rivers aforeſaid, and not otherwiſe. And

Blackwater,

alſo for the river of Black-water, bearing and extending weſt north-weſt from the town of Youghall to New-market in the county of Cork, through the counties of Waterford and Cork, the perſons following: (that is to ſay) the preſent members of Parliament, and the juſtices of the peace for the ſaid ſeveral adjacent counties in this paragraph already named, and their ſucceſſors, to be hereafter choſen in like manner as ſucceſſors are by this act directed to be choſen for the other commiſſioners, ſhall be and are hereby appointed commiſſioners, veſted with the like powers and authorities to ſuch intent and uſes with reſpect only to the ſaid river in this paragraph already named, and no other, as the commiſſioners for the river Shannon, and other rivers aforeſaid, and not otherwiſe. And

Foyle, &c.

alſo for the river Foyle, part of Finn Derg and Moorn, bearing ſouth ſouth-weſt from Londonderry to Omagh, through the counties of Londonderry and Tyrone, the perſons following: (that is to ſay) the preſent members of Parliament, and juſtices of the peace for the ſaid next adjacent counties in this paragraph already named, and their ſucceſſors, to be hereafter choſen in like manner as for the other rivers aforeſaid, as herein before directed, ſhall be and are hereby appointed commiſſioners, and veſted with the like powers and authorities, and to the like uſes and truſts, with reſpect only to the ſaid rivers in this paragraph already named, and no others, as the ſaid commiſſioners for the ſaid rivers, and not otherwiſe. And

Earn,

alſo for the river Earn, bearing and extending eaſt ſouth-eaſt from Ballyſhanny to Killyſhandra, through the counties of Fermanagh and Cavan, the perſons following: (that is to ſay) the preſent members of Parliament for the ſaid next adjacent counties in this paragraph already named, and their ſucceſſors, to be hereafter choſen in like manner as for the other rivers aforeſaid is herein before directed, ſhall be and are hereby appointed commiſſioners, and veſted with the like powers and authorities, and to the like truſts and uſes with reſpect only to the ſaid rivers in this paragraph already named, and no other, as the ſaid commiſſioners from the ſaid other rivers, and not otherwiſe. And

Martin, Cloydagh, &c.

alſo for the rivers Martin, Cloydagh, Part Black Water, Ounebegg and Mague, and the navigable cuts and communications betwixt them, bearing and extending north by weſt from Cork to Limerick, through the counties of Cork and Limerick, the perſons following: (that is to ſay) the preſent members of Parliament, and juſtices of the peace for the ſaid ſeveral adjacent counties

ties in this paragraph already named, and their ſucceſſors, to be hereafter choſen in like manner with the ſucceſſors to the other commiſſioners aforeſaid, ſhall be and are hereby appointed commiſſioners to have the like powers and authorities, and to the like truſts and uſes, with reſpect only to the ſaid rivers in this paragraph already named, and to no other, as the ſaid commiſſioners for the ſaid river Shannon, and other rivers aforeſaid, and not otherwiſe. And alſo for the river Boyne, bearing weſt by ſouth from Drogheda into the great canal aforeſaid, near Edenderry in the King's-county, through the counties of Lowth, Meath, Weſt-Meath, Kildare, and King's-county, the perſons following: (that is to ſay) the preſent members of Parliament, and juſtices of the peace for the ſaid ſeveral adjacent counties, in this paragraph already named, and their ſucceſſors (to be hereafter choſen in like manner as for the ſaid other rivers is herein before directed) ſhall be and are hereby appointed commiſſioners, and veſted with like powers and authorities, and to the like truſts and uſes (with reſpect only to the ſaid river in this paragraph already named, and no other) as the ſaid commiſſioners for the other rivers aforeſaid, and not otherwiſe. And alſo for the rivers Unſhon and Arrow, and part of the Boyle, bearing ſouth ſouth-weſt from the bay of Sligoe into the Shannon at Carrick-Drumruſk, through the counties of Sligoe, Roſcommon, and Leitrim, the perſons following: (that is to ſay) the preſent members of Parliament, and juſtices of the peace for the ſaid ſeveral adjacent counties in this paragraph already named, and their ſucceſſors (to be hereafter choſen in like manner as for the other rivers aforeſaid is herein before directed) ſhall be and are hereby appointed commiſſioners, and veſted with the like powers and authorities, and to the like truſts and uſes (with reſpect only to the rivers and cuts in this paragraph already named and no other) as the commiſſioners herein before named for the other rivers aforeſaid, and not otherwiſe. And alſo for the rivers Corb, Maſk, and Moy, and the canals of Communication betwixt them, bearing and extending from Gallway to Killalla north by eaſt through and by the counties of Gallway, Mayo, and Sligoe, the perſons following: (that is to ſay) the preſent members of Parliament, and juſtices of the peace for the ſaid ſeveral adjacent counties in this paragraph already named, and their ſucceſſors (to be hereafter choſen in like manner as for the other rivers is herein before directed) ſhall be and are hereby appointed commiſſioners, and veſted with the like powers and authorities, and to the like truſts and uſes (with reſpect only to the ſaid rivers and canals in this paragraph already named, and no other) as the ſaid

A. D. 1715. Chap. 12.

Boyne,

Unſhon and Arrow, and part of the Boyle,

Corb, Maſk, and Moy,

A. D. 1715. Chap. 12.

ſaid commiſſioners for the other rivers aforeſaid, and not otherwiſe. And alſo for the river Slaney, bearing north north-weſt) from Wexford to Baltinglaſs, through the counties of Wexford, Carlow and Wicklow, the perſons following: (that is to ſay) the preſent members of Parliament, and juſtices of the peace for the ſaid ſeveral adjacent counties in this paragraph already named, and their ſucceſſors (to be hereafter choſen in like manner as for the ſaid other rivers is herein before directed) ſhall be and are hereby appointed commiſſioners, and veſted with the like powers and authorities, and to the like truſts and uſes, (with reſpect only to the ſaid rivers in this paragraph already mentioned, and no other) as the ſaid commiſſioners for the other rivers aforeſaid, and not otherwiſe. And alſo for the river Shure, bearing from Waterford to Thurleſs, and thence to Roſcrea, north-weſt through the counties of Waterford, Kilkenny, and Tipperary, the perſons following: (that is to ſay) the preſent members of Parliament, and juſtices of the peace for the ſaid ſeveral adjacent counties in this paragraph already named, and their ſucceſſors (to be hereafter choſen in like manner as for the ſaid other rivers is herein before directed) ſhall be and are hereby appointed commiſſioners, and veſted with the like powers and authorities, and to the like truſts and uſes (with reſpect only to the ſaid river Shure in this paragraph already named, and to no other) as the commiſſioners for the other rivers aforeſaid, and not otherwiſe. And alſo for the river of Colgan, and the navigable canals to be added thereto, bearing eaſt ſouth-eaſt from Gallway bay into the Shannon at Portumny, the perſons following: (that is to ſay) the preſent members of Parliament and juſtices of the peace for the ſaid county of Gallway, and their ſucceſſors, to be hereafter choſen in like manner as for the ſaid other rivers is herein before directed) ſhall be and are hereby appointed commiſſioners, and veſted with the like powers and authorities, and to the like truſts and uſes, (with reſpect only to the ſaid rivers and canals in this paragraph already named, and no other) as the ſaid commiſſioners for the other rivers aforeſaid, and not otherwiſe. And alſo for the river Inny, bearing ſouth-weſt from Loughſhillen to the Shannon, through and by the counties of Meath, Cavan, Weſt-meath, and Longford, the perſons following: (that is to ſay) the preſent members of Parliament, and juſtices of the peace for the ſaid ſeveral adjacent counties in this paragraph already named, and their ſucceſſors (to be hereafter choſen in like manner as for the ſaid other rivers herein before directed) ſhall be and are hereby appointed commiſſioners, and veſted with the like powers and authorities, and to the like uſes and truſts (with reſpect only to the ſaid river Inny in this paragraph already named,

Slaney,

Shure,

Colgan,

Inny,

and to no other) as the ſaid commiſſioners for the other rivers aforeſaid, and not otherwiſe. And alſo for the river Suck, bearing ſouth ſouth-eaſt from Caſtlerea in the county of Roſcommon into the Shannon at Clonfert, through and by the counties of Roſcommon and Gallway, the perſons following: (that is to ſay) the preſent members of Parliament, and juſtices of the peace for the ſaid ſeveral adjacent counties in this paragraph already named, and their ſucceſſors (to be hereafter choſen in like manner as for the ſaid other rivers is herein before directed) ſhall be, and are hereby appointed commiſſioners, and veſted with the like powers and authorities, and to the like truſts and uſes, (with reſpect only to the ſaid river Suck in this paragraph already named, and to no other) as the ſaid commiſſioners for the other rivers aforeſaid, and not otherwiſe. And alſo for the river Lee, bearing from Cork to Mackroom weſt by ſouth through the county of Cork, the perſons following: that is to ſay) the preſent members of Parliament and juſtices of the peace for the ſaid county of Cork, and their ſucceſſors (to be hereafter choſen in like manner as for the ſaid other rivers is herein before directed) ſhall be and are hereby appointed commiſſioners, and veſted with the like powers and authorities, and to the like truſts and uſes, (with reſpect only to the ſaid river Lee in this paragraph already named, and to no other) as the ſaid commiſſioners for the other rivers aforeſaid, and not otherwiſe. And alſo for the river Bandon, from Kinſale to Dunmanaway weſt and by ſouth through the county of Cork, the perſons following: (that is to ſay) the preſent members of Parliament and juſtices of the peace for the ſaid county of Cork, and their ſucceſſors (to be hereafter choſen, and in like manner, as for the ſaid other rivers herein before directed) ſhall be and are hereby appointed commiſſioners, and veſted with the like powers and authorities, and to the like truſts and uſes (with reſpect only to the ſaid river Bandon, in this paragraph already named, and to no other) as the ſaid commiſſioners for the other rivers aforeſaid, and not otherwiſe. And alſo for the river Leune, from Caſtlemain harbour to Roſs-caſtle in the county of Kerry eaſt ſouth-eaſt the perſons following: (that is to ſay) the preſent members of Parliament and juſtices of the peace for the ſaid county of Kerry, and their ſucceſſors (to be hereafter choſen as in like manner as for the ſaid other rivers herein before directed) ſhall be and are hereby appointed commiſſioners, and veſted with the like powers and authorities, and to the like truſts and uſes (with reſpect only to the ſaid river Leune in this paragraph named, and to no other) as the ſaid commiſſioners for the other rivers aforeſaid, and not otherwiſe.

A. D. 1715. Chap. 12.

Suck,

Lee,

Bandon,

Leune.

XXII. Provided

A. D. 1715. Chap. 12.

XXII. Provided always, and it is nevertheleſs enacted by the authority aforeſaid, That in caſe any undertaker or undertakers of any the reſpective navigations, in and by this act mentioned and intended, ſhall fail or neglect to make and perfect ſuch navigation within the ſpace and term of ſeven years at moſt next after his or their becoming undertaker or undertakers thereof, then the whole eſtate, right, title, and intereſt, with all and every the toll, duties, aud other benefits and advantages of, in, and to ſuch reſpective navigation, or ſuch part thereof as ſhall then remain undone, which by this act are given or intended to be given to ſuch undertaker or undertakers, their heirs, aſſigns, or nominees, ſhall ceaſe and determine, and be utterly null and void; and the commiſſioners for the time being, or any ſeven or more of them, who ſhall have the charge and inſpection of ſuch reſpective navigation, ſhall and may at their diſcretion, either enlarge the ſaid former term, and re-appoint ſuch failing undertaker or undertakers for any further time, not to exceed ſeven years more, or otherwiſe ſhall and may by any inſtrument in writing under their hands and ſeals appoint any other undertaker or undertakers to carry on and compleat ſuch navigation, or ſuch part thereof as ſhall then remain undone or unfiniſhed as aforeſaid; which laſt undertaker or undertakers, ſo appointed and performing accordingly, ſhall in ſuch caſe be veſted with, and ſhall accordingly have, perceive, uſe, and enjoy to him or them, or to his and their heirs, aſſigns, and nominees, all and every the powers, liberties, benefits, tolls, rates, and duties, with all and every the other eſtate, right, title, intereſt, and term of, in, and to ſuch part (and no more) as ſhall then remain undone or unfiniſhed of ſuch navigation, which he or they the ſaid firſt undertaker or undertakers, their heirs, aſſigns, or nominees, might or ought to have had, perceived, uſed, or enjoyed by virtue of this act, had he or they performed and finiſhed the ſame within the ſaid firſt term of ſeven years, as by this act is directed: but that ſuch undertaker or undertakers, ſo failing in part as aforeſaid, ſhall nevertheleſs be and remain poſſeſſed of, or intituled to ſuch part of the navigation aforeſaid, as ſhall have been by him or them finiſhed and perfected within the ſaid firſt term of ſeven years, and of and to all and every the tolls, duties, benefits, and advantages, and all other eſtate, right, title, and intereſt whatſoever, of, in, and to ſuch part, by him or them ſo finiſhed and perfected as aforeſaid, in as full and ample manner (for ſo much and no more) as if ſuch failure or neglect had never happened; any thing herein before contained to the contrary notwithſtanding.

Undertakers failing to perfect navigation in 7 years, their intereſt, duties, &c. to ceaſe;

and the commiſſioners may enlarge the term, or appoint others;

but ſuch undertakers failing ſhall remain intitled as to the part finiſhed.

XXIII. Provided

XXIII. Provided also, That nothing in this act contained shall extend, or be construed to extend, to impower the said commissioners, undertakers, or other person or persons whatsoever, to pull down or abate, or otherwise injure the salmon weyre or salmon fishery of the Bann-water, commonly called the fishery of Colraine; nor the salmon weyre or fishery of the Black-water, commonly known by the name of the salmon-weyre of Lismore, nor either of them, nor to make any cuts or canals, locks, sluices, flood-gates, or other devices in the channels or banks of the said rivers, or either of them, at or near the said fisheries, or any of them; nor to alter, remove, or divert the currents, nor make any other new channels or cuts in or through the banks or adjoyning lands, nor to do any other act or thing, which may prejudice, annoy, or in any ways impair or damnifie the said weyres or fisheries, or any, or either of them, until the respective owners or occupiers thereof by articles or other proper instruments under their respective hands and seals, to be recorded in the several offices of the respective clerks of the peace of the said counties of Londonderry and Waterford respectively, shall have first consented and agreed to the making and perfecting such navigation or navigations in, through, or by the said respective weyres or fisheries, or either of them, or the lands thereto respectively adjacent, and not otherwise; any thing in this act before contained to the contrary in any wise notwithstanding.

A. D. 1715. Chap. 12.

Not to prejudice salmon fishery of the Bann or Black-water,

consent of owners thereof, in writing recorded in offices of clerks of the peace, to be first had.

XXIV. Provided always, That none of the rates or duties aforesaid shall be levied or demanded for any dung, muck, marl, sand, or lime-stone, that shall be boated or carried in any of the navigations aforesaid for manure or improvements of land; and that all gross timber for building, and also all rough and unhewn stones, and all bricks, limes, tiles, slates, and other covering for the same, shall pay one moiety or half of the said duties, in proportion to their respective quantities, and no more, any thing in this act before contained to the contrary notwithstanding.

Manure for land exempt from duty.

Timber, stones, bricks, &c. for building, to pay half.

A. D. 1715.

CHAP. XIII.

An Act for continuing the encouragement given by former acts of Parliament to the flaxen and hempen manufactures, and for the further improvement and regulation of the same.

Repealed 19 G. 2. 6.

WHEREAS by an act passed in the fifth year of the reign of her late Majesty Queen Anne, intituled, *An Act for the encouragement and improvement of the hempen and flaxen manufacture*, It is enacted, "That whosoever shall

Recital of 6 *Anne* 9. *sec.* 1.

"import, or cause to be imported, into this kingdom any good and sound hemp-"seed of the growth of Russia, Germany, the Netherlands, and the East-coun-"try, within the space of nine years next after the twenty fourth day of Decem-"ber one thousand seven hundred and seven, should receive for every hogshead "of such hemp-seed as a Premium the sum of five shillings *sterling*, to be paid by "such officer or officers, and in such manner, as drawbacks are usually paid:" and whereas by an act passed in the eighth year of her late Majesty Queen Anne,

and 8 *Anne* 12.

intituled, *An Act to amend the defects of such acts as have been made relating to the hempen and flaxen manufactures, and to encourage the further improvement thereof*, The same premium of five shillings is given for every hogshead of flax-seed imported for the same term, and in the same manner as is given by the said first recited act: and whereas the importation of foreign hemp-seed and flax-seed into this kingdom is found to be of great advantage to the hempen and flaxen manufactures, and that the continuance of the said premiums would very much conduce thereto: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, that whoever shall import or cause to be imported into this kingdom any good and sound hemp-seed or flax-seed of the growth of Russia, Germany, the Netherlands, or the East-country, within the space of twenty one years next after the twenty fourth day of December one thousand seven hundred and sixteen, and from thence to the end of the then succeeding session of Parliament, shall receive for every hogshead of such hemp-seed or flax-seed, as a premium, the sum of five shillings *sterling*, to be paid by such officer or officers, and in such manner as drawbacks are usually paid.

II. Provided, that during the said term of twenty one years, and until the end of the then succeeding session of Parliament, every merchant, who shall export any hemp-seed or flax-seed, shall for every hogshead thereof so exported pay five shillings custom to the King, his heirs and successors, unless oath be made before the sub-commissioners or officer of the port, that the same was of the growth of this kingdom.

III. And whereas the encouragement, given by the said acts to the making of sail-cloth, hath hitherto for the most part proved uneffectual by reason of the short term, for which such encouragement was given: be it further enacted by the authority aforesaid, That any person or persons, who shall export out of this kingdom any good sail-cloth well and sufficiently made to any parts beyond the seas at any time within the space of ten years next after the twenty fourth day of December one thousand seven hundred and sixteen, shall receive as a premium for every yard of sail-cloth made of sound and good hemp of ten pence *per* yard value, and under fourteen pence, so exported, the sum of two pence: for every yard of mainsail or course canvass made in imitation of Holland duck of the value of fourteen pence *per* yard or upwards, so exported, the sum of four pence *sterling*: and after the expiration of the term of ten years, that from thence, during

during the further term of eleven years, any perſon or perſons ſo exporting ſuch ſail-cloth ſhall receive as a premium for every yard of ſuch ſail-cloth of ten pence *per* yard value and under fourteen pence, ſo exported, the ſum of one penny; and for every yard of ſuch main-ſail or coarſe canvaſs made in imitation of Holland-duck, of the value of fourteen pence *per* yard or upwards, ſo exported, the ſum of two pence *ſterling*, to be paid by ſuch officer or officers, and in ſuch manner as drawbacks are uſually paid; the exporter of ſuch cloth, or any other perſon or perſons firſt making oath, that the ſaid cloth is according to the beſt of his knowledge and belief made of hemp of the growth of this kingdom, and that ſuch ſail-cloth was never before exported, nor any debenture iſſued out, or premium paid for the ſame.

IV. And for aſcertaining the value of ſuch cloth, the commiſſioners in the port of Dublin, and the principal officers of the Cuſtom-houſe in all the other ports, or any two of them, whereof the collector for the time being to be always one, ſhall have power and are hereby required to chooſe two indifferent merchants, or other perſons the moſt experienced in the value of ſuch cloth to be exported, that can be got, who, upon viewing the ſaid cloth, ſhall certifie and declare upon their corporal oaths, which the ſaid commiſſioners and other officers are hereby impowered to adminiſter, what the reſpective value of ſuch cloth to be exported are; and if ſuch merchants ſhall certify the value of ſuch cloths to be exported as aforeſaid, then and in ſuch caſe ſuch allowance and payment of the premium ſhall be made as aforeſaid: and whereas by the ſaid act paſſed in the ſixth year of the reign of her late Majeſty Queen Anne it is further enacted, "That from and after the ſaid 6 *Anne* 9. *ſec.* 5.
"twenty fourth day of December one thouſand ſeven hundred and ſeven, during "the ſpace of nine years from thence next enſuing, every perſon or perſons, who "ſhall make or cauſe to be made any Kelp of ſea-wreck in any county of the king-"dom, ſhall and may have and receive, as an encouragement of reward for making "the ſame, the ſum of two ſhillings and ſix pence *ſterling* for every tun of Kelp ſo "made within ſuch county;" which incouragement is fit to be continued: be it further enacted by the authority aforeſaid, That the ſaid reward of two ſhillings and ſix pence *per* tun be continued from the twenty fourth day of December one thouſand ſeven hundred and ſixteen, for and during the ſpace of ſeven years from thence next enſuing, to be paid to ſuch perſon or perſons as ſhall make or cauſe to be made any Kelp of ſea-wreck in any counties within this kingdom, to be applotted, raiſed, levied, and paid, within the reſpective counties of this kingdom, in ſuch manner and form as by the ſaid act made in the ſixth year of the reign of her late Majeſty Queen Anne is expreſſed, directed, and appointed.

V. And to prevent abuſes in making of Kelp, be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall mix any ſtones or ſand among Kelp at or after the making thereof, or ſhall expoſe to ſale any Kelp mixt with any ſtones or ſand, ſuch perſon or perſons ſo offending therein ſhall for every ſuch offence forfeit a ſum not leſs than five or more than twenty ſhillings, to any perſon or perſons, who ſhall give information thereof to any juſtice of the peace or chief magiſtrate within their reſpective juriſdictions in this kingdom; who on examination and proof thereof made by the oath of one or more credible witneſs or witneſſes, which oath the juſtice of the peace or chief magiſtrate is hereby impowered to adminiſter, may finally determine the ſame, and aſcertain the forfeiture, and iſſue his warrant directed to any conſtable or conſtables of the ſaid county, to levy the ſum ſo forfeited by diſtreſs and ſale of the goods of the offender, rendering him the overplus, if any be, and to pay the ſum ſo levied to ſuch proſecutor.

VI. And whereas many evil-diſpoſed perſons do make up and reel their yarn contrary to the good laws made for the regulation thereof, and export the ſame beyond the ſeas, to the defrauding of thoſe that traffick therein, to the great diſcredit and prejudice of the trade of this kingdom: for the more effectual diſcouragement thereof, be it further enacted by the authority aforeſaid, That from and after

A. D. 1715. Chap. 13. *4 Anne 4.*

after the firſt day of January one thouſand ſeven hundred and ſeventeen all flaxen yarn, which ſhall be exported to any parts beyond the ſeas, and is not reeled and made up in the ſame manner, as all yarn expoſed to ſale is ordered and directed by an act paſſed in the ſecond year of the reign of her late Majeſty Queen Anne intituled, *An act for the improvement of the hempen and flaxen manufacture in this kingdom* ſhall pay the ſum of one half-penny for every pound of ſuch yarn exported, for cuſtom to the King, his heirs and ſucceſſors, over and above what is already due and payable for the ſame.

Recital of 9 Anne 3. ſec. 1.

VII. And whereas by an act paſſed in the ninth year of the reign of her late Majeſty Queen Anne intituled, *An act to inforce ſuch acts as have been made for the improvement of the linnen manufacture*, and for a further regulation of the ſame, it is enacted, "That all white, painted, and ſtained callicoes, and all ſorts of linnen, "which ſhould be imported into this kingdom at any time within the ſpace of "ſeven years, commencing from the end of the then next ſeſſion of Parliament, "and from the expiration of the ſaid term of ſeven years to the end of the next "ſeſſion of Parliament enſuing, ſhould anſwer and pay unto her then Majeſty the "ſeveral rates and duties following: (that is to ſay) one ſhilling and ſix pence "*per* yard for every yard of white, painted, and ſtained callicoes, which ſhould be "imported into this kingdom within the time aforeſaid, and ſix pence *per* yard for "every yard of any ſort of linnen, which ſhould be imported into this kingdom "during the time aforeſaid, over and above all other duties payable for the ſame." And alſo further enacted, "That the ſaid duties ſhould be applied to the uſe of "the hempen and flaxen manufacture in this kingdom:" and that the ſaid duties might effectually anſwer the purpoſes for which they were intended, it was thereby further enacted, "That the lord lieutenant, or other chief governor or go-"vernors of this kingdom for the time being, ſhould and might, and were thereby "enabled to nominate and appoint certain truſtees for the diſpoſal and management "of the ſaid duties, according to the truſts and powers therein after veſted in them, "to conſiſt of an equal number of perſons out of each of the four provinces of "this kingdom:" purſuant to which act truſtees were accordingly nominated and appointed: be it further enacted by the authority aforeſaid, That the ſaid ſeveral additional rates and duties of one ſhilling and ſix pence *per* yard for every yard of white, painted, and ſtained callicoes, and ſix pence *per* yard for every yard of any ſort of linnen, be and continue due and payable to his Majeſty, his heirs and ſucceſſors, for all ſuch white, painted, and ſtained callicoes and linnen, which ſhall be imported into this kingdom during the remainder of the ſaid firſt term of ſeven years in the ſaid act mentioned; and alſo during the further ſpace and term of ſeven years from the expiration of the ſaid former term of ſeven years, and from the end of the ſaid laſt mentioned term of ſeven years to the end of the ſeſſion of Parliament then next following; which ſaid duties ſhall be applied to the uſes of the flaxen and hempen manufacture in this kingdom, and be ſubject to the diſpoſal, order, and management of the ſaid truſtees appointed purſuant to the ſaid act, and of ſuch other perſons, as by virtue of this preſent act ſhall be hereafter appointed, in the ſame manner as the ſame are hereby ordered, directed, and appointed.

VIII. And be it further enacted by the authority aforeſaid, That when and as often as any of the truſtees, nominated and appointed purſuant to the former act, ſhall happen to dye, that in ſuch caſe the lord lieutenant, or other chief governor or governors of this kingdom for the time being ſhall and may and are hereby enabled from time to time to nominate and appoint ſuch other perſon or perſons to be a truſtee or truſtees for the management and diſpoſal of the ſaid duties, according to the truſts and powers by the ſaid former and this act veſted in them, in the place and room of ſuch of the ſaid truſtees as are now dead, or ſhall ſo happen to dye, to be always choſen out of the ſame provinces of this kingdom, for which the reſpective perſon or perſons now dead, or ſo dying, were formerly appointed; and that ſuch itinerant

itinerant men, flax, and hempen men, as the ſaid truſtees ſhall appoint, may be more faithful in the execution of their reſpective offices; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five of them, to adminiſter the following oath to ſuch itinerant man, flax and hemp man, as they ſhall employ.

I A. B. *do ſwear, that I will well and truly execute the office of an itinerant man, hemp or flax man, according to the beſt of my ſkill and knowledge, that I will obey all lawful commands and directions, which I ſhall receive from the truſtees appointed for the improvement of the flaxen and hempen manufactures, and will make juſt and true returns of my proceedings, and of ſuch things as ſhall be given me in charge by the ſaid truſtees relating to the ſaid manufactures, according to the beſt of my knowledge and information, without fear, favour, and affection.*

So help me God.

IX. And for the better inſtructing the common people of this kingdom in the moſt advantageous methods of dreſſing hemp and flax; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the grand juries of the ſeveral and reſpective counties, counties of cities, and of towns, within this kingdom, at aſſizes to be held for any ſuch counties, counties of cities, and towns, by preſentment to be made in the uſual manner of preſentments, to appoint and ſet off any part of the preſent houſes of correction and work-houſes within the ſaid ſeveral counties, counties of cities, and towns, to be more particularly uſed, and called the work-houſe of ſuch reſpective county, in which ſuch preſentment ſhall be made; which ſaid work-houſe, ſo approved and ſet off as aforeſaid, ſhall be governed, directed, and diſpoſed of, in ſuch manner as to the ſaid truſtees for the improving the flaxen and hempen manufactures of this kingdom ſhall ſeem meet.

X. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid truſtees, or the major part of them, not being leſs than ſeven, to augment the yearly ſalary of their clerks, door-keeper, and other neceſſary ſervants, with any ſum or ſums of money they ſhall think fit: provided the ſame do not in the whole exceed the yearly ſum of fifty pounds, to be paid out of the duties aforeſaid.

XI. And for preventing frauds and abuſes committed by weavers; be it enacted by the authority aforeſaid, That if any weaver ſhall neglect to weave any flaxen or hempen yarn, delivered to him by any perſon or perſons, into ſuch cloth, and in ſuch time and manner as was contracted and agreed for, or ſhall waſte, imbezle, or damage, or ſuffer to be waſted, imbezled, or damaged, any flaxen or hempen yarn delivered to him, ſuch weaver ſhall for every ſuch offence forfeit and pay to the perſon aggrieved any ſum not leſs than two ſhillings and ſix pence, nor more than twenty ſhillings, to be aſcertained and determined by any juſtice of the peace or chief magiſtrate in cities and towns corporate, and the penalty to be levied in ſuch manner as is herein before directed in relation to offences in making Kelp.

XII. And be it further enacted by the authority aforeſaid, That no perſon or perſons in making twine, ropes, or cordage, ſhall mix or cover any old hemp or hempen yarn within new hemp, nor ſhall mix or work up any flaxen tow, or hemp, nor ſhall expoſe to ſale any ropes, twine, or cordage, made up of old and new hemp, or of hemp and flaxen tow, under the penalty of ſuch twine, ropes, or cordage being burnt, and the perſon or perſons offending therein ſhall for every ſuch offence forfeit a ſum not leſs than two ſhillings and ſix pence, nor more than twenty ſhillings, to the perſon or perſons who ſhall inform and proſecute the ſame; the ſaid offences and ſuch penalties to be aſcertained, heard, and determined,

A. D. 1715. Chap. 13.

mined, by any juſtice of the peace or chief magiſtrate, and ſuch penalty to be levied in ſuch manner as is herein before directed in relation to offences in making Kelp, who are hereby impowered to cut or untwiſt any rope or ropes, for the diſcovery of the truth, at the coſt and peril of the informer, in caſe the complaint ſhall be found to be unjuſt.

XIII. And whereas by an act paſſed in England in the third and fourth years of the reign of her late Majeſty Queen Anne, intituled, *An act to permit the exportation of Iriſh linnen cloth to the Plantations, and to prohibit the importation of Scotch linnen into Ireland*, it was made lawful during the term of eleven years next after the twenty fourth day of June one thouſand ſeven hundred and five, to export any white or brown linnen cloth of the manufacture of this kingdom, and traffick with and vend the ſame into any lands, iſlands, plantations, colonies, territories, or places belonging to the crown of England, in ſuch manner as in the ſaid act is particularly expreſſed: and whereas by an act paſſed in Great Britain in the firſt and ſecond year of the reign of his preſent Majeſty, intituled, *An act for continuing ſeveral laws therein mentioned relating to coals, hemp, and flax, Iriſh and Scotch linnen, and the aſſize of bread, and for giving power to adjourn the quarter-ſeſſions for the county of Angleſey for the purpoſes therein mentioned*, the term for exporting linnen cloth of the manufacture of this kingdom to the Plantations aforeſaid is prolonged for one year, and from thence to the end of the next ſeſſion of Parliament in Great Britain: be it further enacted by the authority aforeſaid, That during the remainder of the ſaid term of eleven years, mentioned in the ſaid act paſſed in England in the third and fourth year of her late Majeſty Queen Anne, and during ſuch further time or term, for which the ſaid act, ſo far as it relates to the exportation of linnen cloth of the manufacture of this kingdom to the Britiſh plantations aforeſaid, is continued; and for and during ſuch further time and term, for which the ſaid act, ſo far as it relates to the exportation of linnen cloth of the manufacture of this kingdom to the Britiſh plantations aforeſaid, ſhall, by any act that may be paſſed in Great Britain, be continued; no linnen cloth of the manufacture of that part of Great Britain called Scotland, which ſhall hereafter be imported into this kingdom, ſhall pay, or be ſubject to the additional duty or cuſtom of ſix pence *per* yard, granted or impoſed on all linnen imported into this kingdom by the ſaid act, paſſed in this kingdom in the ninth year of the reign of her late Majeſty Queen Anne, or by this act, during the time and terms therein and herein mentioned.

3 *Anne* 8. *Eng.*

3 *Anne* 21. *Eng.*

XIV. Provided always, That the perſon or perſons importing ſuch cloth into this kingdom do make oath, that it is of the manufacture of ſome part of Great Britain.

A. D. 1715.

CHAP. XIV.

An Act for real union and diviſion of pariſhes.

WHEREAS pariſhes are in ſome parts of this kingdom ſo little, that five or ſix lie together within a mile or two, whereby the ſubjects are like to be much burthened with unneceſſary charge of building and repairing ſo many churches, and the means alſo are ſo ſmall, that ſundry of them will not ſerve for the ſuſtentation of one incumbent; and in ſome places pariſhes are ſo vaſt and extended in length, that it is difficult for the pariſhioners to repair to their pariſh churches, and return home the ſame day, and many times ſo inconveniently divided, that the pariſhioners of one pariſh may with more conveniency repair to another parochial church than to their own, and all parties by an indifferent exchange may be better accommodated: and whereas churches are often moſt incommodiouſly ſeated at the uttermoſt bounds and limits of a great pariſh, or in ſome ſmall iſland, and the glebes provided for the habitation of the incumbent are often remote from the pariſh church, and biſhops lands are in ſeveral places contiguous, or near adjoining to the pariſh church, and cannot by one general law be equally determined: and whereas for remedying the evils aforeſaid an act was made in the fourteenth and fifteenth years of the reign of the late King Charles the ſecond, intituled, *An act for real union and diviſion of pariſhes, and concerning churches, free-ſchools and exchanges*; which is ſince expired: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from the twenty fourth day of June in the year of our Lord one thouſand ſeven hundred and ſeventeen, for and during the term of ten years from thence next enſuing it ſhall and may be lawful for the chief governor or governors of this kingdom for the time being with the aſſent of the major part of the privy council in council aſſembled, ſix at leaſt conſenting, and with the advice and approbation of the archbiſhop of the province and the biſhop of the dioceſs, certified under their hands and archiepiſcopal and epiſcopal ſeals, with the conſent of the reſpective patrons and incumbents, certified under their hands and ſeals, atteſted by two or more credible witneſſes ſubſcribing thereunto, to divide old pariſhes, or ſeparate any pariſh, or part of a pariſh of late united, and to unite pariſhes one to another, or part of a pariſh to another pariſh, or part of a pariſh, in perpetuity, and to erect ſuch divided or

10 *G.* 1. 6. *explained and amended.*
13 *G.* 2. 4. *made perpetual.*
21 *G.* 2. 8.
31 *G.* 2. 5.

Inconvenient diviſion of pariſhes, and ſituation of churches.

Recital of 14 & 15 *C.* 2. 10 expired.

C. governors and 6 of the council, with approbation of the biſhop and conſent of patrons may for 10 years from 24 June 1717 divide or unite pariſhes.

7 *G.* 2. 7. & glebes.
9 *G.* 2. 12.

A. D. 1715. Chap. 14.

or united parishes, or part of parishes, into new parishes, with all parochial rights: and also to unite or appropriate any benefice or benefices, having actual cure of souls, to a dignity or prebend without cure, saying to the dean, dignitary, prebend, and incumbent, at the time of such union, during their respective incumbency, and to their respective patrons and ordinaries, all their right, title and interest, in and to the said united or appropriated benefices; and saving also, all rights to the dean and chapter of each cathedral church, and to the prebendary of the prebend, to which any benefice with cure of souls shall be united or appropriated.

And appropriate benefices with cure to dignities without cure; and by 10 G. 1. 6. to dignities with cure benefices without cure.

21 G. 2. 9. Saving all right and interest to the dean, &c.

II. Provided always, That no dignitary or prebendary, to whose dignity or prebend such benefice with cure of souls shall be united, shall be discharged of residence in the church united to such dignity or prebend: but that they shall be obliged to such residence as the incumbent of such church with cure of souls was obliged to before the making of such union, and shall also be and remain subject, as a dignitary or prebendary of the said cathedral church, to all jurisdictions, duties and penalties, in like manner as the said dignitary or prebendary was subject at the time of making such union; and all and every thing, that shall be done in pursuance of this act, shall be good to all intents and purposes, as if the same had been particularly and specially recited and hereby enacted.

Dignitary obliged to residence, as incumbent before such union, and subject to all jurisdictions, &c. as dignitary.

10 *G.* 1. 7. *Incumbent succeeding shall pay first fruits.*

III. And be it likewise enacted by the authority aforesaid, That it shall be lawful to and for the lord lieutenant, lord deputy, lords justices, or other chief governor or governors of this kingdom for the time being, with the assent of the major part of the privy council assembled in council, six at least consenting as aforesaid, and with the advice and approbation of the respective archbishop and bishop, in whose respective province and diocese such parishes are lying and being, upon examination of witnesses (whom they and each of them are hereby impowered to examine upon oath) or any other lawful means, to direct and order new churches to be built in more convenient places with the consent of the patron or patrons, proprietor or proprietors, upon whose lands such new church is to be erected; and also of the incumbent, and church-wardens, and parishioners of the parish or parishes to be assembled in vestry, or the major part of them, and of the proprietor and proprietors of the lands within such parishes, or the major part of them, testified by their petition or petitions to the chief governor or governors of this kingdom, and the council thereof; the expence of building which said churches shall be assessed and applotted on the respective parishes by act of vestry, and such church, so newly erected as aforesaid, shall be deemed to be

C. governors, &c. may direct new churches to be built in more convenient places, with consent of parishioners in vestry, &c.

10 G. 1. 6. *protestant parishioners.*

1 G. 2. 19.

19 G. 2. 16. *persons impowered to grant one acre for the scite.*

Expence assessed at vestry,

Notice of vestry, 10 *G.* 1. 6.

be the pariſh church of the pariſh, wherein the ſame ſhall be built, when ſo intended and declared by ſuch order as aforeſaid; and the chancel thereof ſhall be repaired by ſuch perſons, as were liable to repair the chancel of the old pariſh church. A. D. 1715. Chap. 14.

Chancel repaired by ſuch perſons as before liable.

IV. And be it further enacted by the authority aforeſaid, That upon the removal, and new erecting or change, of any pariſh church as aforeſaid, the patron of the church ſo removed, his, and their heirs and aſſigns, ſhall be patron of the new church, and ſhall have and enjoy all the rights of patronage, as if the church had continued without any alteration or removal: and likewiſe where two or more churches or pariſhes are united into one, and where any benefice or benefices ſhall be united to a dignity or prebend, having formerly had diſtinct patrons, in ſuch caſes the lord lieutenant, lord deputy, or lords juſtices and council as aforeſaid, with the advice and approbation of the reſpective archbiſhop and biſhop, in whoſe province and dioceſs the ſaid churches were ſcituated, ſhall divide the patronage by turns among the patrons, giving to each of them a right to preſent oftner or ſeldomer, according to the true yearly value of the reſpective pariſh or pariſhes, whereof they are patrons, the conſent of each patron being firſt had, and entered in the inſtrument of erecting the ſaid union; and ſuch ſettlement or ſettlements as aforeſaid, ſhall be final and binding to all patrons, whether eccleſiaſtical or lay patrons, and to all parties for ever; reſerving always unto every archbiſhop and biſhop, regiſters, and ſchoolmaſters, their reſpective dues payable out of every ſuch pariſh ſo united: provided, that where the King's Majeſty, his heirs and ſucceſſors, is or ſhall be intituled to the preſentation of any of the ſaid pariſh churches ſo to be united, he and they ſhall from and immediately after ſuch union, upon the then firſt vacancy, have the firſt preſentation of an incumbent unto ſuch united church; and afterwards, upon the then next vacancy, the other reſpective patrons ſeverally, as the chief governor or governors and council as aforeſaid, with the advice and approbation aforeſaid, ſhall direct and appoint; regard being had to the reſpective values of the ſeveral pariſhes ſo to be united as aforeſaid, and ſo in courſe reſpectively in manner aforeſaid.

Reſerving dues payable.

On union the patronage divided by turns, according to value of the pariſhes;

Conſent of each patron firſt had, and entered.

Such ſettlement final.

But the King, where intitled, ſhall have the firſt preſentation.

V. And be it further enacted by the authority aforeſaid, That no owner or proprietor of any rectory impropriate, having the patronage of the vicarage of the ſaid church, ſhall, by only preſenting in his turn a clerk to any union made by virtue of this act, be judged in law to diſappropriate his rectory, unleſs ſuch perſon making ſuch preſentation, ſhall, by expreſs words contained therein, plainly ſignifie his deſign and intent to make ſuch

Owner of rectory impropriate ſhall not, by only preſenting in turn to any union, be judged to diſappropriate his rectory: unleſs expreſſly ſo ſignified in the preſentation.

A. D. 1715. Chap. 14.

ſuch diſappropriation; and that ſuch preſentation be under the hand and ſeal of the patron ſo preſenting, atteſted by two or more credible perſons; any former law or uſage to the contrary notwithſtanding.

Such unions, diviſions and appropriations to be inrolled in ſix months,

VI. And be it enacted by the authority aforeſaid, That all and every ſuch unions, diviſions, and appropriations, to be made by virtue of this act, ſhall be enrolled in the Rolls office of the high court of Chancery within ſix months after the making thereof; for the enrolment whereof reſpectively the fee of thirteen ſhillings and four pence, and no more, ſhall be paid; and every inſtrument under the hands of the chief governor or governors and council, teſtifying ſuch union, diviſion, or appropriation, ſhall contain in it a clauſe or proviſoe that the ſame ſhall be enrolled in ſix months after the date thereof, or elſe to be void and of no effect.

fee 13*s.* and 4*d.*

Clauſe to that purpoſe in the inſtrument.

Biſhops, dignitaries, *&c.* by conſent may endow vicarages or curacies with glebe or tithes; 10 *G.* 1. 6. *altered.*

VII. And whereas the reſpective archbiſhops and biſhops, deans, dignitaries, and prebendaries in this kingdom are intitled to, and have in right of their reſpective archbiſhopricks, biſhopricks, deanries, dignities, or prebends, ſeveral impropriate pariſhes, tithes, and glebes, or menſals belonging to their reſpective archbiſhopricks, biſhopricks, deanries, dignities, and prebends, in which pariſhes the ſaid reſpective archbiſhops, biſhops, deans, dignitaries, or prebendaries, are obliged to find curates to perform divine ſervice, and for the cure of ſouls in the ſaid ſeveral and reſpective pariſhes, in which ſaid pariſhes there are at preſent no vicarages or curacies endowed: and whereas the third part of the tithes and other profits of ſuch reſpective pariſhes is uſually allotted or paid for the ſervice of the cure thereof, which often proves inſufficient to ſupport perſons duly qualified for the ſervice of ſuch cure: be it enacted by the authority aforeſaid, That from and after the twenty fourth day of June in the year of our Lord aforeſaid, it ſhall and may be lawful to and for the ſeveral and reſpective archbiſhops, biſhops, deans, dignitaries and prebendaries, within the realm of Ireland within their reſpective archbiſhopricks, biſhopricks, deanries, dignities, and prebends, by and with the conſent and approbation aforeſaid, and alſo with the conſent of the reſpective deans and chapters, in ſuch dioceſe where there are deans and chapters, and in ſuch dioceſe where there are no deans or chapters, then by and with the conſent of the archdeacon and major part of the reſt of the clergy at their reſpective viſitations, to endow any ſuch vicarage or curacy with a convenient portion of glebe or tithes, or both, belonging to ſuch archbiſhoprick, or biſhoprick, deanry, dignity, or prebend reſpectively, in the ſaid reſpective pariſhes; and alſo with the

Or augment endowments already made,

the conſents aforeſaid to augment ſuch endowments as have been already made for the ſupport of a proper vicar or curate, for performance of divine ſervice and cure of ſouls within the ſame: ſaving to the then tenants of ſuch glebes and tithes, all their right and title during their reſpective leaſes. A. D. 1715. Chap. 14.

ſaving the right of tenants,

VIII. And be it alſo enacted by the authority aforeſaid, That it ſhall and may be lawful to and for every archbiſhop, biſhop, dean, dignitary, or prebendary, with the approbation and conſent aforeſaid, at any time or times, during the ſaid term of ten years, to exchange any rectory, vicarage, pariſh, or portion of tithes, to his or their ſaid archbiſhoprick, biſhoprick, deanry, dignity, or prebend belonging, for any other rectory, vicarage, pariſh, or portion of tithes within the ſame dioceſs, of equal or near the ſame value.

and may exchange rectories, *&c.* thereto belonging for others in ſame dioceſe, of equal or near the value. *or for land, by* 10 G. 1. 6.

IX. Provided always, That every ſuch perſon, who ſhall have or enjoy the benefit of any ſuch exchange, and his reſpective ſucceſſors, ſhall be under the ſame obligation to perform all manner of duties, and ſubject to the ſame juriſdiction and burthens, as the former incumbents were, and ſhall be obliged to ſerve the cure of ſuch pariſh or pariſhes, as by virtue of ſuch exchange he or they ſhall enjoy, in caſe the ſaid cure is not otherwiſe by law provided for.

but the ſame duties to be performed as by former incumbent.

X. And whereas in the union of ſeveral pariſhes, that may hereafter be united by vertue of this act, there may be ſeveral appropriate or impropriate rectories, and no vicarages within the ſame, and the rectorial tithes, and other profits ariſing within ſuch reſpective rectories, are to remain notwithſtanding ſuch union payable to the appropriators or impropriators thereof, and who by reaſon thereof might by law be obliged to repair the reſpective chancels belonging to ſuch rectories, and to find a ſufficient curate or curates for the performance of divine ſervice, and for the cure of ſouls within the ſame, before ſuch union: be it enacted by the authority aforeſaid, That wherever it ſhall happen in any union to be made by virtue of this act, that there ſhall be an impropriate or appropriate rectory within the ſame, the rector, impropriator, or poſſeſſor of which, was before the making of ſuch union by law obliged to repair the chancel belonging to the pariſh church of the ſaid rectory, ſuch rector, impropriator, or poſſeſſor reſpectively, his heirs, ſucceſſors, and aſſigns, ſhall from and after ſuch union, ſo made by virtue of this act, during the continuance of ſuch union be diſcharged from repairing of ſuch chancel reſpectively, and ſhall in lieu or inſtead of repairing the chancel of ſuch rectory be obliged to contribute a rateable ſhare or proportion, according to the value of

Perſons before union obliged to repair chancel of a pariſh church ſhall after union contribute only rateably to repair of the new chancel,

A. D. 1715. Chap. 14.

of the profits riſing out of ſuch rectories, to and for the repair of the new chancel of the ſaid united pariſhes; which rateable ſhare or proportion ſhall be ſettled and adjuſted by conſent of all parties concerned in intereſt before ſuch union be made, or, in caſe of any failure therein, by the lord chancellor, lord keeper, or lords commiſſioners of the great ſeal, and every other perſon, who was obliged to repair the chancel of any of the other pariſh-churches, ſo united, before ſuch union, ſuch perſon and his ſucceſſors ſhall be obliged to pay a rateable ſhare towards the repair of the new chancel.

to be ſettled by conſent before union; or, in failure thereof, by lord chancellor.

Impropriator obliged to find a curate ſhall after union contribute only rateably with the other pariſhes.

XI. And whereas in ſome impropriate pariſhes the impropriators or poſſeſſors of the tithes of ſuch pariſhes are obliged by law to find a curate to ſerve the cure of the ſaid pariſhes: be it enacted by the authority aforeſaid, That in caſe ſuch pariſhes, ſo appropriate or impropriate, ſhall be united purſuant to this act to any other pariſh or pariſhes, the ſaid impropriator or poſſeſſor ſhall be diſcharged of and from finding a curate for ſuch pariſhes ſo united, and ſhall be only obliged to contribute his proportion rateably with the other pariſhes, to which the ſaid impropriate or appropriate pariſh ſhall be united, for the maintenance and ſupport of the curate or miniſter of ſuch united pariſhes; which rateable ſhare or proportion ſhall be ſettled and adjuſted by all parties concerned, before the ſaid union be made as aforeſaid; or, in caſe of failure thereof, by a decree of the high court of Chancery upon proper application thereto.

To be ſettled as aforeſaid.

No union purſuant to 14 and 15 *C.* 2. 10. (not lying in cities, &c.) ſhall be diſſolved, nor any of the pariſhes united to any other pariſh by this act, unleſs the church lies three country miles diſtant from ſome part of the pariſh, or not large enough for pariſhoners. *Repealed* 1 *G.* 2. 19.

XII. Provided always, That no union, formerly made purſuant to the before mentioned act made in the fourteenth and fifteenth years of the reign of King Charles the ſecond, of any pariſhes not lying within cities or towns corporate, ſhall be capable of being diſſolved, nor any of the ſaid united pariſhes, or any part thereof, ſhall be liable to be united to or made part of any other united pariſh by virtue of this act, unleſs the pariſh-church of ſuch united pariſh doth lie three country miles diſtant from ſome part of ſuch united pariſh, or that the church of ſuch united pariſh ſhall not be large enough to contain the proteſtant pariſhioners uſually reſorting to ſuch pariſh-church; in which caſe or caſes it ſhall and may be lawful to unite ſuch of the ſaid old united pariſhes, lying remote from the pariſh-church of the ſaid former united pariſh, to ſome other pariſh lying more near and commodious for the reſort of the inhabitants of ſuch remote pariſh to the church of ſuch other pariſh, to which it ſhall be united.

The burgery of Cloyne, forfeited by Sir John Fitzgerald in 1641, and purſuant to act of ſettlement, &c. granted by King *C.* 2. to ſee of Dub-

XIII. And whereas ſeveral ſmall parcels of lands, commonly called the Burgery of Cloyne, lying in and near the town of Cloyne in the county of Cork, were formerly the inheritance of Sir John Fitz-Gerald, ſubject to the payment of a fee-farm rent to the ſee of Cloyne, and became veſted in the crown by vertue of the forfeiture of the ſaid Sir John Fitz-Gerald in the rebellion in forty one, and his late Majeſty King Charles the ſecond, by his letters

patents granted them to the archbiſhops of Dublin in augmentation to the ſee of Dublin, in purſuance of the act of ſettlement and explanation: and whereas the preſent rent of the ſaid lands amounts to the yearly ſum of twenty ſix pounds, and his grace William lord archbiſhop of Dublin hath conſented to have the ſaid lands reunited to the ſaid ſee of Cloyne for the conveniency of the biſhops of Cloyne, it being neceſſary to the preſent biſhop's manſion houſe and improvements, which he has built and made for the benefit of himſelf and ſucceſſors, biſhops of Cloyne, paying always to him William the ſaid lord archbiſhop of Dublin, and his ſucceſſors, archbiſhops of Dublin, the yearly rent charge of twenty ſix pounds out of the lands of the two Ballycroneens, and the lands of Ballycotton, farms belonging to the ſee of Cloyne in the ſaid county of Cork: be it therefore enacted by the authority aforeſaid, That the ſaid lands and houſes called the Burgery of Cloyne, and their appurtenances and priviledges, ſhall for ever hereafter be annexed to the ſaid ſee of Cloyne, and be held and enjoyed by Charles the preſent biſhop of Cloyne, and his ſucceſſors, biſhops of Cloyne, for ever; any ſtatute, law, or other matter or thing, to the contrary notwithſtanding.

A. D. 1715. Chap. 14.

lin, annexed to ſee of Cloyne, paying 26*l. per annum*, to ſee of Dublin, out of Ballycroneen and Ballycotton,

XIV. And be it further enacted by the authority aforeſaid, That the ſaid archbiſhop of Dublin, and his ſucceſſors, archbiſhops of Dublin, ſhall in lieu thereof have, hold, receive, and take out of the yearly rents and profits of the ſaid lands of Ballycroneen and Ballycotton the ſaid yearly ſum or rent charge of twenty ſix pounds *per annum*, to the only and proper uſe of the ſaid archbiſhop of Dublin, and his ſucceſſors, archbiſhops of Dublin, for ever, payable quarterly, at the four uſual feaſts of Michaelmas, Chriſtmas, Lady-day, and ſaint John Baptiſt, by even and equal portions.

XV. Provided always, and be it further enacted by the authority aforeſaid, That if it happen the ſaid yearly rent of twenty ſix pounds, or any part thereof, ſhall be behind and unpaid after any of the ſaid feaſts or days of payment, then it ſhall and may be lawful for him the ſaid archbiſhop of Dublin, and his ſucceſſors, archbiſhops of Dublin, and his and their aſſigns, into the ſaid lands of Ballycroneen and Ballycotton, and into every of them, and any part thereof, to enter and diſtrain, and the diſtreſs and diſtreſſes there found to lead, drive, and carry away, and impound and detain, or otherwiſe diſpoſe of according to law, until he or they ſhall be of the ſaid annual payment or rent charge, ſo being behind, and the arrearages thereof (if any be) fully ſatisfied, contented, and paid; and if it ſhall happen that there ſhall

with clauſe of diſtreſs,

A. D. 1715.

not be ſufficient diſtreſs in and upon the ſaid lands, out of which the ſaid rent is hereby granted, or intended to be granted, to countervail the ſaid rent and arrearages thereof, if any ſhall be, that then and from thenceforth it ſhall and may be lawful to and for the ſaid William lord archbiſhop of Dublin and his ſucceſſors, archbiſhops of Dublin, into the ſaid lands of Ballycroneen and Ballycotton with the appurtenances, or into any part thereof in the name of the whole, to enter, and the ſame to hold, poſſeſs, and enjoy, as in his and their eſtate, until the ſaid rent, and arrearages thereof, and every part thereof, ſhall be to the ſaid William lord archbiſhop of Dublin, and his ſucceſſors, and his or their aſſigns, fully ſatisfied, contented, and paid; ſubject nevertheleſs to ſuch leaſe or leaſes as ſhall be in being at the time of ſuch entry, and ſhall be made at half the yearly rent which ſuch lands were worth at the time of the making of ſuch leaſe or leaſes.

and re-entry,

but ſubject to leaſes in being, at half the yearly rent which the lands were worth.

All acts for union or diſunion of pariſhes, or erecting churches, publick acts,

XVI. And whereas there may be occaſion hereafter for making an act or acts of Parliament for the uniting or diſuniting of particular pariſhes, or parts of pariſhes, or erecting particular churches: be it further enacted, That all ſuch acts of Parliament for the aforeſaid purpoſes only, or any of them, ſhall be deemed as publick and general acts in all courts, and by all perſons; and that no fees ſhall be paid or taken by any perſon or perſons, for paſſing any ſuch act of Parliament.

and no fees.

CHAP. XV.

An Act for confirming the ſeveral grants made by her late Majeſty of the firſt fruits and twentieth parts, payable out of the eccleſiaſtical benefices in this kingdom; and alſo for giving the archbiſhops, biſhops, and other eccleſiaſtical perſons, four years time for the payment of firſt fruits.

28 *H.* 8. 8. 2 *Eliz.* 3. 10 *G.* 1. 7. 29 *G.* 2. 18.

WHEREAS her late gracious Majeſty Queen Anne for the encouragement and encreaſe of piety did by letters patents under the great ſeal of this kingdom, bearing date on the ſeventh day of February in the tenth year of her reign, give and grant unto the moſt reverend father in God Narciſſus, then lord archbiſhop of Armagh, primate and metropolitan of all Ireland, Sir Conſtantine Phipps knight, then lord chancellor of Ireland, the moſt reverend fathers in God William lord archbiſhop of Dublin, William archbiſhop of Caſhel, John archbiſhop of Tuam, and to the reverend fathers in God William biſhop of Meath, Welbore biſhop of Kildare, and to ſeveral other biſhops of this kingdom, and other

Letters patent 10 *Anne*, granting the firſt fruits to truſtees,

other perſons in the ſaid letters patents mentioned, all and all manner of firſt fruits iſſuing out of eccleſiaſtical benefices, payable by the clergy in the kingdom of Ireland, by whatſoever name the ſame are called, and by whatſoever right or title the ſame did belong to her then Majeſty, or to the crown, TO HAVE AND TO HOLD, the ſaid firſt fruits iſſuing out of the ſaid eccleſiaſtical benefices, payable by the clergy of this kingdom to the ſaid archbiſhops, biſhops, and their ſucceſſors reſpectively, and to the other perſons in the ſaid letters patents named, to the uſes, intents, and purpoſes, in the ſaid letters patents expreſſed; and by the ſaid letters patents appointed and conſtituted the perſons therein named, or any nine or more of them, truſtees and commiſſioners of her ſaid Majeſty, her heirs and ſucceſſors, for the diſpoſition of the ſaid revenue of firſt fruits, to the uſes, intents, and purpoſes in the ſaid letters patents contained: and whereas her ſaid late Majeſty did likewiſe, by other letters patents under the great ſeal of this kingdom, bearing date the ſeventh day of February in the tenth year of her reign, exonerate, forgive, and releaſe for her, her heirs and ſucceſſors, to all and ſingular the archbiſhops, biſhops, archdeacons, deans, rectors, and vicars, and to the reſt of the clergy of this kingdom, and their reſpective ſucceſſors, the twentieth parts, by them and every of them payable for their eccleſiaſtical benefices and dignities ſpiritual, by force and vertue of the ſtatute made in the twenty eighth year of the reign of King Henry the eighth, or by force of any other ſtatutes made in this kingdom: to the end therefore that the pious deſigns aforeſaid may at all times hereafter take effect, and that the ſeveral grants and conceſſions, in the ſaid letters patents contained and expreſſed, may remain firm, valid, and good in law, and not liable to be drawn into queſtion for any informality or defects in the ſaid letters patents contained, or upon any other ground or pretence whatſoever: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid letters patents, and every of them, and all and every the grants, clauſes, matters, and things in the ſame, or in either of them, contained, ſhall for ever hereafter ſtand, be, and remain, of full force and vertue in law to all intents and purpoſes whatſoever, notwithſtanding any informality or other defect in the ſaid letters patents, or in the paſſing or obtaining the ſame; and that all archbiſhops, biſhops, archdeacons, deans, rectors, vicars, and all other eccleſiaſtical perſons, and their ſucceſſors, ſhall be for ever hereafter excuſed and

A. D. 1715. Chap. 15.

and releaſing the 20th parts,

28 *H.* 8. 14.

Confirmation thereof, notwithſtanding any defect.

A. D. 1715. Chap. 15.

and diſcharged of and from the payment of twentieth parts, according to the true intent and meaning of the ſaid letters patents of releaſe and exoneration; any defect or informality in the ſame, or in the obtaining thereof, in any wiſe notwithſtanding: and that the ſeveral perſons, to whom the firſt fruits are granted, or intended to be granted, by the above mentioned letters patents for granting the firſt fruits, and their ſucceſſors, ſhall and may for ever hereafter have and hold the ſaid firſt fruits in the ſaid letters patents mentioned, to them and their ſucceſſors; and that the ſaid perſons, to whom the ſaid firſt fruits are granted, or were intended to be granted, by the ſaid letters patents, and their ſucceſſors, ſhall and may for ever hereafter by vertue of the ſaid letters patents, and of this preſent act, or of one of them, have, hold, receive, and enjoy, all firſt fruits ariſing or becoming due, or which ſhall hereafter ariſe or become due, out of all and every archbiſhopriek, biſhoprick, deanry, archdeaconry, rectory, vicarage, and all other eccleſiaſtical livings and benefices in this kingdom formerly payable for the crown, but ſubject to the ſeveral and reſpective uſes, truſts, intents, and purpoſes, in the ſaid letters patents expreſſed and limitted, and to no other uſe, truſt, intent, or purpoſe whatſoever; diſcharged of and from all rights and titles, which his moſt ſacred Majeſty now hath, or his heirs or ſucceſſors may have, to them, or any of them, in right of his crown or prerogative royal.

Grantees and ſucceſſors to hold ſaid firſt fruits,

ſubject to uſes in ſaid letters patent.

Diſcharged of all right of the crown.

II. Provided always, That whereas by the ſaid letters patents no leſs a number than nine of the truſtees and commiſſioners in the ſaid letters patents mentioned can do any act for the diſpoſition of any of the ſaid firſt fruits, of which number the lord chancellor, one of the archbiſhops, and two biſhops of this kingdom for the time being, are always to be four, ſo that it frequently happens that the ſame cannot be diſpoſed of in due time, for want of a ſufficient number of the ſaid commiſſioners and truſtees meeting to make ſuch diſpoſitions: be it alſo enacted by the authority aforeſaid, That any ſeven or more of the truſtees and commiſſioners (of whom the lord chancellor, and if there ſhall not be a lord chancellor, the lord keeper, or firſt commiſſioner of the great ſeal for the time being, who are reſpectively impowered to act in that behalf in the ſame manner as the lord chancellor ought to have acted, one of the lord archbiſhops, and two of the biſhops of this kingdom, ſhall be always four) may for ever hereafter act in the ſaid truſts, and diſpoſe of the ſaid firſt fruits, in the ſame manner to all intents and purpoſes, as any nine of the ſaid truſtees as aforeſaid might have acted, and diſpoſed thereof; and that ſuch act and diſpoſition,

Seven truſtees may act. *by* 8 G 1. 12. *the truſtees may grant* 100*l. to incumbent building a dwelling houſe.*

tion, ſhall be to all intents and purpoſes as good and valid in the law, as if the ſame had been made by nine or more of the ſaid truſtees according to the ſaid letters patents; any thing in the ſaid letters patents, or in the confirmation thereof by this preſent act, to the contrary notwithſtanding. A. D. 1715.

III. And whereas it hath been uſual for the biſhops, dignitaries, and other clergy of this kingdom, to be allowed by the crown two years time for the payment of firſt fruits, which, ſince the grant aforeſaid, cannot now be done by the crown: be it further enacted by the authority aforeſaid, That every archbiſhop and biſhop, and other eccleſiaſtical perſon obliged to pay firſt fruits, ſhall have four years allowed him for the payment of his firſt fruits, giving writings obligatory, in ſuch manner as were uſed to be given for payment of the ſame in two years; which four years for all archbiſhops and biſhops ſhall commence from the time of the reſtitution of their reſpective temporalities, and for all other eccleſiaſtical perſons from the date of their reſpective titles to their reſpective benefices or eccleſiaſtical preferments; and that every of the ſaid four years ſuch archbiſhop, biſhop, or other eccleſiaſtical perſon reſpectively, ſhall pay the fourth part of the whole ſum of his ſaid reſpective firſt fruits; and if he ſhall dye, or be removed before four years ſhall be expired, he, his heirs, executors, and adminiſtrators, ſhall be diſcharged of ſo much of ſuch firſt fruits as did not become due or payable at or before the time or times of his death or removal.

Eccleſiaſtical perſons ſhall have four years for payment of firſt fruits, the fourth part payable yearly;

diſcharged, by death or removal, of ſo much as not become payable.

CHAP. XVI.

An Act for the more effectual amendment of the law in relation to butter and tallow caſks, and of an act for planting and preſerving timber-trees and woods; and of another act for prohibiting butchers from being graziers, and to redreſs ſeveral abuſes in buying and ſelling of cattle, and in the ſlaughtering and packing of beef, tallow, and hides.

WHEREAS great complaints have of late been made by the merchants and traders in butter and tallow, notwithſtanding the ſeveral acts of Parliament for reforming abuſes in making of butter and tallow caſks, and preventing the falſe packing of butter and tallow, that by the fraudulent dealing and practices of coopers, in making the caſks for packing of butter and tallow of unſeaſoned timber, and of farmers, owners, and packers of butter and tallow in packing their butter and tallow in caſks, weighing more than by law they ought to do, the ſaid commodities are brought in great diſrepute abroad, and yield not that price, nor are

10 *Will.* 3. 2.
6 *Anne* 12.
4 *G.* 1. 12.
8 *G.* 1. 7.
10 *G.* 1. 9.
12 *G.* 1. 5.
13 *G.* 2. 12.
21 *G.* 2. 7.
29 *G.* 2. 8.

Fraudulent practices in making caſks, and packing butter and tallow.

A. D. 1715. Chap. 16.

Tare of butter casks for ſale ſhall be branded on the ſides and bottom:

buyer to take it at the ſame:

but he may ſtrip ſuſpected casks,

are vended in ſuch quantities as otherwiſe they would, to the great diſcouragement of the trade of this kingdom: for remedy whereof for the time to come, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June, in the year of our Lord one thouſand ſeven hundred and ſixteen, no perſon or perſons whatſoever ſhall ſell or expoſe to ſale any caſk of butter, whereon the tare of ſuch caſk ſhall not be fairly burnt with a branding iron on the ſide and bottom of ſuch caſk, at which tare the merchant or buyer thereof ſhall be obliged to take the ſame: but if ſuch buyer ſhall at the time of the ſale or receiving object againſt the ſaid tare, in ſuch caſe it ſhall and may be lawful to and for the buyer to ſtrip any one or more of ſuch caſk or caſks, as he ſhall ſuſpect to be above the tare ſo marked; and, if after ſtripping of ſuch caſk or caſks, they or any of them ſhall be found to weigh one pound more than the tare marked on the ſide and bottom of ſuch caſk ſo ſtripped aforeſaid, on proof thereof made before the next juſtice of the peace of the county, or county of the city or town, where the ſaid butter is expoſed to ſale, by the oath or oaths of one or more credible witneſs or witneſſes, other than the party or parties concerned in buying of the ſaid butter (which oath the ſaid juſtice is hereby impowered to adminiſter, and finally to hear and determine accordingly) the ſeller ſhall forfeit twelve pence for every pound the ſaid caſk ſhall weigh more than the tare ſo marked on the ſide and bottom of the ſaid caſk; and, in caſe the tare is not branded as aforeſaid on the ſaid caſk, the ſeller ſhall forfeit the butter contained in ſuch caſk; one moiety of which forfeiture ſhall go to the buyer, and the other moiety to the poor of the pariſh where the ſaid butter ſhall be ſold, or expoſed to ſale; any law or ſtatute to the contrary notwithſtanding: and if any merchant or buyer ſhall for his own lucre and gain endeavour to oblige the perſon, who expoſed the ſaid butter to ſale, to make any greater allowance than the tare marked on the caſk as aforeſaid, ſuch buyer or buyers, notwithſtanding any contract with the ſeller, being thereof convicted before the next juſtice of the peace of the county, city, or town, where ſuch butter ſhall be expoſed to ſale, by the oath or oaths of one or more credible witneſs or witneſſes, other than the party or parties concerned in the ſale of ſuch butter (which oath or oaths the ſaid juſtice of the peace is hereby impowered and required to adminiſter) ſhall forfeit ten pounds, to be levied by diſtreſs and ſale of the goods of the party offending, by the warrant of ſuch juſtice before whom the party was convicted, over and above the price

and on proof before a juſtice, ſeller to forfeit 12 d. every pound over.

Forfeiture, if tare not ſo branded, to the buyer and the poor.

Buyer endeavouring to have greater allowance than ſaid tare, ſhall, notwithſtanding contract with ſeller, forfeit 10 l. (beſides the price of the butter) to informer and the poor.

Further inforced 4 *G.* 1. 12.

price of the butter; one moiety whereof ſhall be paid to the informer, and the other moiety to the poor of the pariſh, where ſuch offence ſhall be committed.

II. And for the preventing the fraudulent practices of coopers in making caſks of unſeaſoned and bogg timber, be it further enacted by the authority aforeſaid,

Butter casks to be of well ſeaſoned timber, oak or aſh, and to hold pickle. Dimenſions thereof. *So much as relates to the dimenſions and penalties for not obſerving them, repealed* 4 G. 1. 12.

That from and after the twenty fourth day of June in the year of our Lord one thouſand ſeven hundred and ſeventeen no butter caſk ſhall be made, or butter expoſed to ſale in any caſk, but ſuch as are made tight and will hold pickle, and made of well ſeaſoned timber, either of oak or aſh, and to be of the gages and dimenſions following, (viz.) the firkin containing half a hundred weight of butter at the head and bottom of the cask, to be of the breadth of ten inches and a half, at the bung eleven inches and a half, and the length within the croſs ſixteen inches, and to contain ſeven gallons and no more; the cask containing one hundred at the head and bottom, to be thirteen inches and an half; at the bung fourteen inches and an half; the length within the croſs nineteen inches and an half; and to contain fourteen gallons and no more; the cask, containing one hundred and an half at the head and bottom, to be of the breadth of fourteen inches and a half, at the bung ſixteen inches and a half; the length within the croſs twenty inches and a half, and to contain twenty one gallons and no more; and the cask, containing two hundred weight, at the head and bottom to be of the breadth of ſixteen inches and a half; at the bung eighteen inches and a half; the length within the croſs twenty four inches and an half; to contain twenty eight gallons and no more;

at the heads and bottoms of the ſaid caſks to be ſet into the croſs, and the cantils to be dooled; and every caſk, ſo to be made, ſhall be made with hoops twigged, and no other; and if any cooper or coopers, or other perſon or perſons, ſhall from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſeventeen make any butter caſk or caſks, or pack up butter, or expoſe the ſame to ſale in any other caſk than as aforeſaid, ſuch perſon or perſons ſo offending ſhall, upon conviction before one or more of his Majeſty's juſtices of the peace, or chief magiſtrate of any corporation, by one or more witneſs or witneſſes on oath (which oath the ſaid juſtice or juſtices, or chief magiſtrate are hereby impowered and required to adminiſter) or upon confeſſion of the offender before ſuch juſtice or juſtices, or chief magiſtrate, the party or parties ſo offending ſhall forfeit for every ſuch offence; (viz.) the cooper or coopers the ſum of ten ſhillings for every ſuch caſk, and the perſon or perſons packing up or expoſing to ſale in any other caſk than as aforeſaid the ſum of ten ſhillings for every hundred weight of butter, and ſo proportionably for every greater or leſſer quantity, that ſhall be in every ſuch caſk; one moiety to the informer, the other moiety to the uſe of the poor of the pariſh; the ſaid penalties to be levied by diſtreſs and ſale of the offenders goods, the overplus to be reſtored after all charges of the ſaid diſtreſs defrayed, and every conſtable

Penalties on coopers and packers for making or expoſing to ſale other casks.

A. D. 1715. Chap. 16.

conſtable of the pariſh, or chief conſtable of the barony, where ſuch offence ſhall be committed, are hereby authorized and required to levy the ſame accordingly by warrant under the hand and ſeal of ſuch juſtice or juſtices, or chief magiſtrate, ſo to do; and in caſe ſuch offender or offenders ſhall not have goods and chattles ſufficient to anſwer the ſaid penalty, that then ſuch offender or offenders ſhall be publickly whipt through ſome market town in the ſaid county, in or near ſuch townw, here the offence was committed, betwen the hours of eleven and twelve in the forenoon.

Mixing old butter with new; uſing bay ſalt; or more ſalt than melts in working.

III. And whereas farmers and other perſons in packing butter do oftentimes mix old butter with new, and uſe bay ſalt inſtead of white, or greater quantities of ſalt than melts in working up, to the great diſcouragement of the trade of this kingdom: for preventing of ſuch abuſes in time to come, be it further enacted by the authority aforeſaid, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixteen no perſon or perſons whatſoever ſhall in any caſk pack up or mix old butter with new, or uſe bay ſalt inſtead of white in packing it, or greater quantities of ſalt than melts in working it up; and ſuch perſon or perſons ſo offending, and every perſon or perſons expoſing to ſale ſuch butter, ſo packed up contrary to this act, ſhall forfeit the ſum of ten ſhillings for every hundred weight of butter, and ſo proportionably for every greater or leſſer quantity that ſhall be in every ſuch caſk; one moiety to the informer, the other moiety to the poor of the pariſh; to be recovered in the ſame manner as the other penalties in this act are recoverable.

Penalty 10 s. *per* hundred weight, to informer and the poor.

Chief magiſtrates and grand juries may inſpect and ſeize butter packed contrary hereto.

Further inforced 4 G. 1. 12.

IV. And be it further enacted, That in all cities and towns corporate the chief magiſtrates of ſuch cities and towns, and the grand juries in all counties of cities, and counties of towns, and the ſeneſchals and grand juries in their reſpective mannors, ſhall have full power and authority to inſpect into the quality of all butter brought to ſuch city, town, or mannor, for ſale; and if any caſk or caſks of butter ſhall be found packed contrary to the directions and regulations of this act, ſuch caſk or caſks of butter ſhall be ſeized by ſuch chief magiſtrate or ſeneſchal and grand jury, and be liable to the ſeveral penalties and forfeitures herein before mentioned, to be recovered as the other penalties in this act are recoverable.

Abuſes in packing tallow.

2 *Anne* 15.

V. And whereas great abuſes have of late been practiſed in the falſe packing of tallow: for remedy whereof, be it further enacted by the authority aforeſaid, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixteen, every chandler, or other perſon or perſons melting tallow, ſhall ſet or cauſe

cauſe to be ſet with a branding iron upon the ſide and bottom of every tallow caſk the exact tare of ſuch caſk; and alſo ſhall brand upon the ſide of the ſaid caſk the firſt letter of the chandler or maſter's chriſtian name, and his ſir-name at length with an iron-brand, with a mark for the city, town, village, and pariſh wherein he lives; at which tare the merchant or buyer ſhall be obliged to take the ſame; but if ſuch buyer ſhall at the time of the delivery object againſt the ſaid tare, it ſhall and may be lawful to and for the buyer to ſtrip ſuch caſks, as he ſhall ſuſpect to be above the tare ſo marked; and if after the ſtripping of ſuch caſk or caſks they, or any of them, ſhall be found to weigh more than the tare ſo branded as aforeſaid, the ſeller ſhall forfeit the ſum of one ſhilling for every pound the ſaid caſk ſhall weigh more than the tare ſo branded, to be recovered and diſtributed as the other penalties herein before mentioned are recoverable and applied; and if ſuch chandler or melter of tallow, or any other perſon or perſons expoſing tallow to ſale, ſhall at any time after the ſaid twenty fourth day of June offer or expoſe to ſale any caſk of tallow, not having the tare, and the chriſtian name, and ſir name of the chandler, or other perſon or perſons melting ſuch tallow as is herein before directed, ſuch perſon or perſons ſo offending ſhall forfeit for every ſuch offence the ſum of ten ſhillings for every hundred weight of tallow, and ſo proportionably for a greater or leſſer quantity that ſhall be in any ſuch caſk; one half to the informer, the other moiety to the poor of the pariſh, to be recovered alſo in the ſame manner as the other penalties in this act are recoverable: and where the buyer of butter and tallow will have the caſk ſtripped, if the tare upon ſtripping be found to anſwer according to the brand, the buyer ſhall pay the charges of ſtripping; but if the tare be more than the brand, then the ſeller is to pay for ſuch ſtripping.

Tare of tallow casks to be branded on the ſide and bottom: and the name, &c. of the chandler on the ſide: buyer to take it ſo; but may ſtrip ſuſpected casks.

Seller to forfeit 1 s. *per* pound above ſaid tare.

Penalty, if not ſo marked, 10 s. *per* hundred weight.

VI. And whereas great frauds and abuſes have of late been found in the packing and rendring of tallow: be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixteen if any chandler, or any other perſon or perſons rendring or packing of tallow, ſhall mix any unmerchantable tallow in any caſk of tallow, ſuch perſon or perſons ſo offending ſhall forfeit for every ſuch offence the ſum of ten ſhillings for every hundred weight of tallow, that every ſuch caſk or caſks ſhall contain, and ſo proportionably for a greater or leſſer quantity that ſhall be in every ſuch caſk; one half to the informer, and the other moiety to the poor of the pariſh; to be recovered before the chief magiſtrate of any city or town, or any juſtice of the peace as aforeſaid,

If on ſtripping butter or tallow casks the tare anſwers, buyer to pay the charge; if more, the ſeller,

mixing unmerchantable tallow,

penalty 10 s. *per* hundred weight; to poor and informer.

A. D. 1715. Chap. 16.

upon the oath of two credible witneſſes at leaſt, ſkilled and verſed in the ſaid commodities; which oath ſuch magiſtrate or juſtice of the peace is hereby impowered to adminiſter. And to the intent that frauds and abuſes, in and by this act intended to be remedyed, may be the more effectually prevented; if any merchant, dealer, or other perſon or perſons, ſhall, from and after the twenty fourth day of June next, carry or convey, or cauſe to be carried or conveyed, any caſk or caſks of butter or tallow to any Cuſtom-houſe, wharf, or key, or to any other place or places appointed for loading or diſcharging of goods within this kingdom, with an intent to export the ſame, on which caſk or caſks the tare thereof is not branded, as in and by this act is required, that all ſuch caſks, and the butter and tallow therein contained, ſhall be forfeited to any perſon or perſons, who ſhall ſeize the ſame, and give information thereof to any juſtice of the peace or chief magiſtrate within their reſpective juriſdictions; which ſaid juſtice of the peace, or chief magiſtrate, ſhall and may proceed to examine the ſame; and if it ſhall appear by the oath of one or more credible witneſs or witneſſes, which oath ſuch juſtice of the peace or chief magiſtrate is hereby impowered to adminiſter, that the tare of ſuch caſk or caſks was not branded on the ſame purſuant to this act, that then ſuch juſtice of the peace or chief magiſtrate ſhall adjudge ſuch caſk or caſks, and the butter and tallow therein contained, to be forfeited; one moiety thereof to the informer, and the other moiety to the uſe of the poor of the pariſh, where ſuch caſks of butter and tallow ſhall be ſeized.

On oath of two skilful witneſſes.

Casks carried to be exported, the tare not marked, may be ſeiſed. and forfeited to poor and informer.

VII. And be it further enacted, That from and after the twenty fourth day of June next no land-waiter, or other officer of the revenue, intruſted with the loading or putting on board any butter or tallow in order to be exported, ſhall permit or ſuffer any caſk or caſks of butter or tallow to be ſhipped or loaden on board any ſhip, boat, or veſſel, in order to be exported, unleſs the tare of ſuch caſk or caſks be branded thereon purſuant to this act; and if any ſuch land-waiter, or other officer of the revenue, ſhall offend therein, and be thereof lawfully convicted on any indictment in his Majeſty' court of King's-bench, or at the aſſizes to be held for the county, city, or town, where ſuch offence was committed, ſuch land-waiter, or other officer of the revenue intruſted as aforeſaid, ſhall be uncapable of ſerving his Majeſty, his heirs and ſucceſſors, in any place, office, or employment, in the revenue within this kingdom during the ſpace of three years next after ſuch conviction.

Officers convicted on indictment of permitting ſuch casks to be ſhipped, incapable for three years.

VIII. And

VIII. And whereas in an act paſſed in the ninth year of the reign of her late Majeſty Queen Anne for the further explaining and putting in execution *An Act for planting and preſerving timber-trees and woods*, it is amongſt other things enacted, "That if "any perſon or perſons ſhall cut or make uſe of any gadds or "withs on his or their plows, cars, carts, harneſs, tackle, or "otherwiſe, or in whoſe cuſtody any gadds or withs ſhall be had "or found, ſhall be liable to ſuch forfeitures and penalties as in "the ſaid act is mentioned;" notwithſtanding which act, great quantities of gadds and withs are daily ſold in markets and fairs, to the great deſtruction and almoſt utter ruin of the young growth of wood in this kingdom: for the better prevention whereof be it further enacted by the authority aforeſaid, That from and after the twenty fourth day of June in the year of our Lord one thouſand ſeven hundred and ſixteen it ſhall and may be lawful for any perſon or perſons to ſeize to his own proper uſe and benefit any gadd or gadds, with or withs, which he or they ſhall find in any fair, market, town, or place within this kingdom; and the perſon or perſons, in whoſe poſſeſſion ſuch gadd or gadds, with or withs, are found, ſhall be carried before ſome juſtice of the peace living near the place where ſuch ſeizure is made; which juſtice of the peace is hereby impowered and required by warrant under his hand and ſeal to command the petty conſtable of the next pariſh, wherein there is a market-town, to whip ſuch offender through the market of ſuch town between the hours of ten and twelve in the day, until the blood ſhall come.

A. D. 1715. Chap. 16. 9 *Anne* 5. *Sec.* 5.

Any one may ſeiſe gadds or withs to his own uſe, and the party to be carried before a juſtice, and whipped.

IX. And whereas by an act paſſed in the ſecond year of the reign of her ſaid Majeſty Queen Anne, intituled, *An act to prohibit butchers from being graziers, and to redreſs ſeveral abuſes in buying and ſelling of cattle, and in the ſlaughtering and packing of beef, tallow, and hides*, it is among other things enacted; "That if "any perſon or perſons whatſoever ſhould ſhip or convey, or cauſe "or procure to be ſhipped or conveyed, in or to any ſhip, boat "or veſſel, in or upon the ſea, or in or upon any haven, river, "creek, or place within this kingdom, any beef ſalted, packed, "or barrelled, that at the time of killing or ſlaughtering there-"of was not of the age of five years, knowing the ſame to be "under that age at the time of killing thereof, to the intent to "tranſport or carry the ſame into any parts beyond the ſeas, there "to be uttered, bartered, or ſold by way of merchandize, or "otherwiſe, every ſuch perſon and perſons ſhall forfeit every ſuch "barrel of beef ſo loaden, ſhipped, or tranſported, contrary to "the tenor and true meaning of this act, or the value thereof;" which is found by experience to be ineffectual; and that great numbers

2 *Anne* 15. *Sec.* 8.

A. D. 1715. Chap. 16.

numbers of cattle are daily ſlaughtered in this kingdom contrary to the intent and meaning of the ſaid act, and to the great prejudice of the trade of this nation: for remedy whereof be it enacted by the authority aforeſaid, That from and after the firſt day of Auguſt one thouſand ſeven hundred and ſixteen no butcher, or perſon who ſhall ſlaughter any beef, or black cattle, in order to be exported into foreign parts, ſhall kill or ſlaughter any bullock or ſteer for himſelf, or any other perſon, on any pretence whatſoever, during that ſeaſon, which ſhall not be in the fifth year of his age at leaſt at the time of ſuch ſlaughtering, or ſhall bring, or cauſe or ſuffer to be brought, into his ſlaughter-houſe or yard, any bullock or ſteer, which ſhall not be in the fifth yeat of his age at leaſt, as aforeſaid, during that ſeaſon; and if any perſon ſhall offend herein, and be thereof lawfully convicted by the oath of one or more credible witneſs or witneſſes before any juſtice of the peace of any county or city, or chief magiſtrate of any corporation where ſuch offence ſhall be committed, every ſuch perſon or butcher ſo offending ſhall forfeit the ſum of five pounds for every ſuch bullock or ſteer, ſo brought into the yard or ſlaughter-houſe, or ſlaughtered as aforeſaid, to the perſon or perſons who ſhall inform for the ſame; which ſaid ſum of five pounds ſhall be levied by ſale or diſtreſs of the offenders goods, and paid to the informer as aforeſaid; and in caſe a ſufficient diſtreſs cannot be found, that then and in ſuch caſe every perſon or perſons, ſo convicted as aforeſaid, ſhall be three times publickly whipt through the town where ſuch offence is committed, and the carcaſs of every ſuch beaſt ſlaughtered, or brought to be ſlaughtered as aforeſaid, ſhall be diſtributed among the poor of the pariſh, where the ſaid offence was committed, according to the direction of the chief magiſtrate or juſtice of the peace, before whom the conviction ſhall be. And in order to the more eaſie detecting any offence againſt this act, it ſhall and may be lawful to and for any perſon, upon information given before any juſtice of the peace, or chief magiſtrate of any city, or town corporate, by vertue of his or their warrant, to enter into, and ſearch the yard or ſlaughter-houſe of any perſon or butcher, againſt whom ſuch information ſhall be given.

No butcher, &c. ſhall ſlaughter or bring into his ſlaughter-houſe or yard a bullock or ſteer not five years old,

penalty 5 l. to informer,

the carcaſs to the poor.

Any one by warrant of a juſtice may enter and ſearch.

CHAP.

A. D. 1715.

CHAP. XVII.

An Act to impower juſtices of the peace to determine diſputes about ſervants, artificers, day-labourers, wages, and other ſmall demands, and to oblige maſters to pay the ſame, and to puniſh idle and diſorderly ſervants.

WHEREAS ſeveral perſons do refuſe or neglect to pay the wages due to ſervants, artificers, and day labourers; and there being no remedy, whereby they can in a ſummary way, without much charge or delay, recover what is due for their ſervice: be it therefore enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for the more eaſie recovery of wages, which ſhall or may after the twenty fourth day of June, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſixteen, become due to any day-labourer, or artificer, ſervant, or ſervants, whoſe demand ſhall not exceed three pounds, any juſtice of the peace of the ſaid county, where ſuch maſter or miſtreſs dwells, not living more than five miles from the dwelling-place of ſuch maſter or miſtreſs, and, if no juſtice of the peace live within the ſpace of five miles, then the next neighbouring juſtice of the peace, and every chief magiſtrate of any city or town corporate, wherein ſuch maſter and miſtreſs lives, within their reſpective counties, cities, or towns corporate, is hereby impowered, authorized, and required, upon the complaint of any ſuch labourer, artificer, or ſervant, upon oath that he or ſhe cannot receive his or her wages due to him or her, to ſummon ſuch maſter or miſtreſs, or perſon employing ſuch artificer, in writing (not being a peer or peereſs of this kingdom) to appear before him; in which ſummons the ſum demanded ſhall be expreſſed, and the place and time for ſuch perſons appearance; for iſſuing of which ſummons the ſaid juſtice of the peace or chief magiſtrate, or their clerk, ſhall and may have and take the ſum of ſix pence and no more; and in caſe the ſaid maſter or miſtreſs, or other perſon or perſons, neglect or refuſe to appear according to ſuch ſummons, that then the ſaid juſtice of the peace or chief magiſtrate, upon proof on oath that the ſaid ſummons was delivered to the ſaid maſter or miſtreſs, or other perſon or perſons, or his, her, or their ſon, daughter, or menial ſervant, of the age of ſixteen years or upwards, at ſuch maſter, miſtreſſes, or other perſons uſual place of abode,

For eaſier recovery of wages, any juſtice not five miles from the dwelling, &c. on complaint on oath by labourer, artificer, or ſervant, may ſummon the maſter, not a peer; 3 G. 2. 14.

Fee 6 d. And on not appearing and proof of delivery thereof may determine the demand:

A. D. 1715. Chap. 17.

abode, is hereby authorized and impowered to proceed to the hearing and determining of the ſaid demand as well by examining ſuch witneſs or witneſſes, as ſhall appear before him, upon oath, as by all other legal ways; and, if ſuch juſtice of peace or chief magiſtrate ſhall ſee it neceſſary, by examination of the party or parties complaining or complained againſt, on their reſpective oaths; and to determine what ſhall be paid by the ſaid maſter or miſtreſs, or other perſon or perſons, to ſuch ſervant, artificer, or day-labourer; and if ſuch maſter or miſtreſs, or other perſon or perſons, ſhall not pay what the juſtice of the peace or chief magiſtrate ſhall adjudge to be due to ſuch labourer, artificer, or ſervant, within ſuch time as the ſaid juſtice of the peace or chief magiſtrate ſhall direct, not exceeding ten days, then the ſaid juſtice of the peace, or chief magiſtrate, is hereby required and impowered by warrant under his hand and ſeal, at the inſtance of ſuch labourer, artificer, or ſervant, directed to any conſtable or conſtables of the ſaid county, to levy ſo much as ſhall be adjudged due to ſuch labourer, artificer, or ſervant, together with ſix pence for the ſummons, and ſix pence for the ſaid warrant, to be paid to the ſaid juſtice of the peace or chief magiſtrate, or their clerk, and twelve pence to the conſtable for executing the ſaid warrant, by diſtreſs and ſale of the goods and chattles of ſuch maſter or miſtreſs, or other perſons ſo refuſing to pay the ſame, according to the determination of the ſaid juſtice or chief magiſtrate, rendring the overplus, if any there be, to ſuch maſter or miſtreſs, or other perſon or perſons.

and if not paid in 10 days may by warrant direct conſtable to levy it.

II. And for as much as ſeveral ſervants are drunkards, idle, or otherwiſe diſorderly in their ſervices, or waſte and purloin their maſters goods, or lend the ſame without their maſters or miſtreſſes conſent or knowledge, or depart their maſters or miſtreſſes ſervice without his or her conſent within the time, for which they had obliged themſelves to ſerve; be it further enacted by the authority aforeſaid, That upon the complaint of any maſter or miſtreſſes upon oath of any ſuch offence of his or her ſervant, any juſtice of the peace of any county or city, or chief magiſtrate of any city or town corporate, where the maſter or miſtreſs inhabits, is hereby impowered and required to iſſue a warrant for bringing ſuch ſervant or ſervants before him; and upon examination and due proof upon oath made of ſuch offence or offences, it ſhall and may be lawful for the ſaid juſtice of the peace or chief magiſtrate to put ſuch ſervant or ſervants in the ſtocks in ſome market town on the market day, or in the pariſh-ſtocks, for any ſpace of time not exceeding ſix hours, or ſend them to the houſe of correction of the county, where ſuch offence ſhall be committed,

Servant miſbehaving, or leaving ſervice without conſent, on complaint of maſter on oath a magiſtrate to iſſue warrant, and on proof of offence put in ſtocks, or ſend to houſe of correction 10 days:
23 *H.* 6. 12. *Eng.*
5 *Eliz.* 4. *Eng.*
Servants, &c. *from charter ſchools ſo puniſhed*, 23 *G.* 2. 11.

mitted, there to be kept at hard labour for any time not exceeding ten days; and in case that the said master or mistress shall, after the said time of punishment is expired, desire the said servant to return to their service for the remainder of the time, that by agreement such servant ought to serve, that then the said justice of the peace or chief magistrate shall order the said servant so to do; and in case the said servant shall refuse or neglect so to do, that then and in such case the said justice of the peace or chief magistrate is again to commit such servant to the house of correction, to be kept to hard labour, and corporally punished, during the time he or she ought to serve his or her master or mistress according to their agreement, or until the next general quarter-sessions of the peace, where the justices in open sessions may examine the matter and discharge the said servant, or continue him or her, as to them shall seem meet.

A. D. 1715. Chap. 17.

and then order him to return to service, if master so desires, on refusal, again committed during the time agreed, or till next sessions, where the matter to be examined.

III. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth of June one thousand seven hundred and sixteen no servant shall hire him or herself, or offer themselves to be hired into any service, while he or she is actually in service, and before the time for which he or she did contract or hire him or herself be expired, without license from his or her master or mistress first obtained, unless such servant or servants do first give one months notice thereof to his or her master or mistress; and in case any servant shall do the contrary, on complaint and due proof upon oath being made thereof before any justice of the peace of the county, or chief magistrate of any town corporate, where such servant resides, every such servant shall be committed to the house of correction for any time not exceeding ten days, there to be kept at hard labour during that time, or put in the stocks in some market town on the market day, for any time not exceeding the space of six hours.

No servant shall offer to be hired before his time expired, without licence from master, unless he gives a month's notice.

Penalty, commitment, or set in stocks as aforesaid.

IV And be it further enacted by the authority aforesaid, That on the discharge or putting away any servant from his or her service, or upon such servant's regularly leaving his or her service, the master or mistress of such servant shall give a certificate in writing under his or her hand, that such person, who is therein named, was his or her servant, and that he or she is discharged from the said service, and shall in the said discharge certifie, if desired, or such master or mistress thinks fit, the behaviour of such servant.

On discharge or leaving service, master to give certificate thereof;

and of behaviour, if desired.

V. And be it further enacted by the authority aforesaid, That no master or mistress shall hire any servant without a discharge as aforesaid under the hand of the master or mistress, with whom the said servant last dwelt; and in case any person shall refuse to give his or her servant a discharge and certificate of their behaviour as aforesaid, that then and in such case such servant may apply

Servant not to be hired without discharge from last master,

A. D. 1715. Chap. 17.

apply him or herſelf to ſome neighbouring juſtice of the peace of the county or city, where ſuch maſter or miſtreſs inhabits, or to the chief magiſtrate of any city or corporate town, if ſuch maſter or miſtreſs live in one, who ſhall write to the maſter or miſtreſs of ſuch ſervant (not being a peer or peereſs of this realm) and, in caſe ſuch maſter or miſtreſs ſhall be a peer or peereſs of this realm, then to the ſteward or bailiff of ſuch peer or peereſs, and require from them reſpectively the reaſon, why ſuch ſervant is refuſed ſuch diſcharge and certificate of his or her behaviour; and in caſe no anſwer be given to ſuch letter within the ſpace of five days, or that the juſtice of the peace or chief magiſtrate ſhall ſooner by an anſwer to ſuch letter find, that the cauſe of the refuſal of ſuch diſcharge or certificate was not ſufficient, in either of the ſaid caſes the ſaid juſtice of the peace, or chief magiſtrate, may and are hereby required to give a certificate thereof, or of ſuch reaſon or reaſons as the maſter and miſtreſs give for refuſing ſuch diſcharge or certificate, that ſuch perſon, who is about to hire ſuch ſervant, may be apprized of ſuch ſervants behaviour, and judge thereof, before he or ſhe hires ſuch ſervant; for which certificate the ſaid juſtice of the peace or chief magiſtrate, or their clerks, ſhall not take any fee or reward; and the ſaid certificate to all intents and purpoſes ſhall be as good, as if the ſame had been given by ſuch maſter or miſtreſs; and that any ſervant, who ſhall be convicted of counterfeiting, or producing a counterfeited, certificate under the hand of any maſter or miſtreſs, or juſtice of the peace or chief magiſtrate, or under the hand of the ſteward or bailiff of any peer or peereſs, before two juſtices of the peace by the oath of one or more witneſſes, or by ſuch ſervants own confeſſion, ſuch ſervant ſhall be committed to the houſe of correction, and there kept for the ſpace of three months to hard labour, and whipt publickly on ſome market day between the hours of eleven and twelve in the morning through the ſtreets of the town, where the houſe of correction ſtands.

if maſter refuſes a diſcharge, a magiſtrate ſhall by letter to him, or to bailiff or ſteward of a peer, require the cauſe,

and if no anſwer in 5 days, or not ſufficient, ſhall give certificate without fee,

which as good as if given by the maſter.

Servants counterfeiting certificates, committed 3 months, and whipt,

VI. And for the better and more effectual obliging ſervants to obtain diſcharges from their maſter or miſtreſſes, or ſuch certificates as aforeſaid; be it further enacted by the authority aforeſaid, That no ſervant, not having ſuch diſcharge or certificate as aforeſaid, ſhall be entituled to recover any wages by virtue of this act from ſuch maſter or miſtreſs, to whom he or ſhe ſhall hire him or herſelf, without producing ſuch diſcharge or certificate before ſuch juſtice of the peace or chief magiſtrate, or proving by a ſufficient witneſs on oath that ſuch diſcharge or certificate was given to ſuch ſervant: and if any perſon or perſons ſhall after the twenty fourth day of June one thouſand ſeven

no ſervant to recover wages by this act without a diſcharge or certificate, or proof that it was given.

ſeven hundred and ſixteen, knowingly take into his or her ſervice any perſon, who has been in any former ſervice, without ſuch diſcharge or certificate as aforeſaid, every ſuch perſon taking ſuch ſervant as aforeſaid into his or her ſervice, being thereof lawfully convicted at the general quarter-ſeſſions of the peace held for the county or place, where ſuch offence ſhall be committed, ſhall forfeit the ſum of five pounds, to be levied by diſtreſs and ſale of the offenders goods by warrant of ſuch general quarter-ſeſſions of the peace, rendring to the party the over-plus; one moiety of every ſuch forfeiture to be to the uſe of the poor of the pariſh where ſuch offence is committed, and the other moiety to the informer, who ſhall diſcover and make out the ſame.

A. D. 1715. Chap. 17.

Taking a ſervant knowingly without diſcharge or certificate, penalty 5 *l.* at ſeſſions, to poor and informer.

VII. And whereas divers women do frequently hire themſelves to be nurſes to ſuckle children, when they know themſelves to be with child at the time they take upon them to nurſe, and others, who know themſelves to have ſome foul or infectious diſeaſe, which may be communicated to the child they nurſe; all which is very deſtructive to children, and very pernicious to the publick: for remedy whereof, be it further enacted by the authority aforeſaid, That for the future no woman ſhall hire herſelf to be a nurſe, or take upon her the nurſing of any child, knowing herſelf to be with child at the time ſhe taketh the child to nurſe; neither ſhall any woman continue to nurſe any child after ſhe knoweth herſelf to be with child, without giving notice thereof to the parents of the child; and that no woman that hath any foul or infectious diſeaſe, which may be comunicated to the child, ſhall hire herſelf to be a nurſe, or take upon her the nurſing of any child, or ſhall continue to nurſe any child after ſhe ſhall diſcover herſelf to have any foul or infectious diſeaſe; and that if any woman offend therein, on complaint made to any juſtice of the peace, or chief magiſtrate of any city or town corporate within this kingdom, the ſaid juſtice of the peace or chief magiſtrate are hereby authorized and required to appoint two or more phyſicians, chyrurgions, or midwives, as the caſe ſhall require, to examine the matter complained of, and to make report upon oath, which the ſaid juſtice or chief magiſtrate is hereby impowered to adminiſter; and if they do on their oaths declare, that in their judgment the woman or nurſe complained of hath offended in any of the particulars aforeſaid, that then and in ſuch caſe every ſuch nurſe ſo offending ſhall by the judgment of ſuch juſtice of the peace forfeit ſuch wages, as ſhall be then due to her, and all ſuch profits, ſum or ſums of money, as ſhe ſhall have received on account of ſuch nurſing, to the perſon informing againſt her for ſuch offence, to be recovered and

No woman ſhall nurſe knowing herſelf with child, or having infectious diſeaſe; on examination before a magiſtrate and report of phyſicians, *&c.* on oath, offenders forfeit wages and profits received, and ſuffer corporal puniſhment as for counterfeiting certificates,

A. D. 1715. Chap. 17.

levied in ſuch manner as ſervants wages are herein before directed to be recovered and levied; and alſo ſhall ſuffer ſuch corporal puniſhment as by this act is appointed to be inflicted on ſervants counterfeiting or producing forged or counterfeited certificates.

but not whipt till 2 months after delivery.

VIII. Provided, That no nurſe, who is with child, ſhall be whipped for offending againſt this law till two months after her delivery.

Licenſed ſchoolmaſters to have like remedy for wages as ſervants.

IX. And be it further enacted by the authority aforeſaid, That the like remedy be allowed to all licenſed ſchool-maſters and ſchool-miſtreſſes for recovery of any fee or wages due to them for teaching any child or children, as is by this act allowed to ſervants, artificers, and day-labourers.

Complaints on this act in 3 months.

X. Provided always, That no ſervant or ſervants, artificer or day-labourer, ſhall have any remedy, benefit, or advantage by this act, or any clauſe therein contained, unleſs ſuch ſervant or ſervants, artificer or day-labourer, exhibit their complaint, and proſecute the ſame with effect, within three calendar months after ſuch ſervants are diſmiſſed from or leave their ſervice, or after ſuch artificer or day-labourer have done his or their work, or for any maſter or miſtreſs, or other perſon or perſons, who do not exhibit their complaint within the ſpace of three months after their cauſe of complaint did ariſe againſt ſuch ſervant or ſervants, or ſuch other perſon or perſons.

23 G. 2. 11.

XI. And whereas there are in almoſt every part of this kingdom great numbers of helpleſs children, who are forced to beg their bread, and who will in all likelihood, if ſome proper care be not taken of their education, become hereafter not only unprofitable but dangerous to their country: and whereas it is hoped that many of them may be entertained in comfortable ſervices, and others may be bound out to and bred up in uſeful callings, if well diſpoſed perſons could have any fair proſpect of receiving hereafter by the labour of ſuch poor children any return, ſuitable to the trouble and charges they muſt neceſſarily undergo in bringing them through that ſtate of childhood: be it therefore further enacted by the authority aforeſaid, That the

Miniſter, &c. may bind out any child begging, or any poor child in the pariſh, with conſent of parent, to a proteſtant as a menial ſervant till 21;

miniſter and church-wardens of every pariſh within this kingdom may and ſhall have power from and after the twenty fourth day of June in the year of our Lord one thouſand ſeven hundred and ſixteen to bind out, with the conſent and approbation of one of his Majeſty's juſtices of the peace for the county, where ſuch pariſh ſhall lye, any child they find begging within their pariſh, or any other poor child within the pariſh, with the conſent of the father, if living, or of the mother, if the father be dead, to any honeſt and ſubſtantial proteſtant houſe-keeper or

proteſtant tradeſman that will entertain ſuch child as a menial ſervant, till ſuch child arrives to the age of one and twenty, or to any credible tradeſman, as an apprentice to his trade, till ſuch apprentice be twenty four years old compleat.

or apprentice to tradeſman till 24.

XII. And to prevent all differences that may ariſe about the age of ſuch child, ſo bound out as a domeſtick ſervant, or as an apprentice to a trade; be it further enacted by the authority aforeſaid, That the age of every child, thus bound out as a menial ſervant or as an apprentice, ſhall be aſcertained in the indentures, by which the child is bound out, and the age fixed by ſuch indenture ſhall in all controverſies, that may ariſe betwixt ſuch apprentice and their reſpective maſters and miſtreſſes, be deemed and taken for the true age of ſuch child, and an exemplification of ſuch indentures, which ſhall be always entred in the veſtry book of the pariſh, where any ſuch child ſhall be bound out, being ſigned and ſealed by the miniſter and church-wardens, ſhall in all controverſies be as authentick as a counter part of the ſaid indentures.

The age to be aſcertained in the indentures;

exemplification thereof in veſtry book as authentick as a counterpart.

XIII. And for a further encouragement to ſuch perſons as ſhall be charitably diſpoſed to receive any ſuch poor child, either as a domeſtick ſervant, or as an apprentice to a trade; be it alſo enacted by the authority aforeſaid, That on the death of ſuch perſon, his executors or adminiſtrators ſhall have a right to, and, if they pleaſe, enjoy the labour of ſuch apprentice for the remainder of the time, during which he was by his indenture obliged to ſerve.

Executors or adminiſtrators may enjoy the labour of ſuch apprentice.

XIV. And to prevent all abuſe of power in maſters or miſtreſſes towards ſuch ſervants and apprentices; be it alſo enacted by the authority aforeſaid, That covenants, uſually inſerted in favour of ſervants in other indentures of apprenticeſhip, be inſerted in the ſaid indentures; and that any of his Majeſty's juſtices of the peace for the county, where ſuch children live, may on complaint of ill uſage or cruel treatment examine into the behaviour of the maſter or miſtreſs ſo complained of; and in caſe the complaint appear groundleſs, that ſuch juſtice of the peace ſhall have power to order reaſonable correction for ſuch ſervant or apprentice complaining without cauſe: but if immoderate ſeverity or cruel uſage be fully proved againſt the maſter or miſtreſs, ſuch juſtice of the peace is hereby impowered and required to diſcharge ſuch ſervant or apprentice from ſerving the ſaid maſter or miſtreſs any longer, and to bind him or her apprentice to ſome other maſter or miſtreſs for the remainder of the time. And if any perſon bound out as an apprentice or ſervant purſuant to this act ſhall depart his or their maſters or miſtreſſes ſervice without their conſent, unleſs ſuch apprentice hath been diſcharged his or her ſervice purſuant to this act, ſuch ſervant or apprentice ſhall be

Uſual covenants in favour of ſervants to be inſerted.

A juſtice may examine complaint,

if grounleſs, order correction,

if cruelty proved, diſcharge, and bind to another.

departing ſervice without conſent, puniſhable like hired ſervants.

A. D. 1715. Chap. 17.

be dealt with and punished in like manner as hired servants departing their masters service within the time, for which they hired themselves, are liable to be punished by this act. And if any person shall entertain any such apprentice, bound out as aforesaid, either as a houshold servant, or as an apprentice or journeyman, at his trade, before his time of service be expired, unless he has the consent and approbation of the person, to whom he was bound, or have a regular discharge from his former service, given him by some one of his Majesty's justices of the peace, upon full proof of ill usage from his former master or mistress, he or she thus knowingly entertaining the said servant or apprentice shall forfeit the sum of forty pounds, to be recovered by the person having a right to the service of such menial servant or apprentice.

Entertaining knowingly such servant or apprentice without consent or discharge,

penalty 40*l.* to the master.

XV. And be it further enacted by the authority aforesaid, if upon examination of any complaint made pursuant to this act, it appears to such justice or justices of the peace, or chief magistrate, that the said complaint is frivolous and vexatious, that then and in such case it shall and may be lawful to and for the said justice of the peace or chief magistrate to award any sum, not exceeding two shillings and six pence, for costs, to be levied by such warrant of such justice of the peace or chief magistrate of the goods and chattles of the person making such frivolous complaint, or to put such person in the publick stocks for any time not exceeding the space of two hours, in case he shall refuse to pay the sum awarded to the person without cause complained of. And that all determinations, made by any justice of the peace or chief magistrate by virtue of and pursuant to this act, shall be final and conclusive between the parties.

For frivolous complaints on this act, costs 2*s.* & 6 *d.* or to be put in stocks.

Determinations by a magistrate on this act, final.

XVI. And whereas several apprentices, imployed in handy-craft trades, are often by the failure or death of their masters left without employment or instruction in the trades, to which they were bound, and others of them by the severity of their masters or mistresses have been cruelly used: for remedy whereof, be it enacted by the authority aforesaid, That it may be lawful for any two justices of the peace in any county, county of a city or town, to hear and determine all such complaints of apprentices, who are or shall be imployed in any handy-craft trade or manufacture within this kingdom; and to displace and remove such apprentice, if they shall find just cause for so doing, from such service, by order under their hands and seals, and by the like order to turn over such apprentices to some other master or mistress of the same trade, for the remainder of the term of such apprenticeship.

Two justices, on complaint of apprentices to handycraft or manufacture, may remove, and turn over to another of same trade,

XVII. And be it further enacted by the authority aforesaid, if any such master or mistress shall find him or herself aggrieved by such order or orders, it shall and may be lawful for him or her

to

to appeal from ſuch order or orders to the juſtices of the peace at the next general quarter-ſeſſions to be held in ſuch county, or county of a city or town, which juſtices of the peace are to determine the ſame, and their order on ſuch appeal to be final to all parties concerned.

but maſter may appeal to ſeſſions, Order thereon final.

XVIII. And be it further enacted by the authority aforeſaid, That the maſter and keeper of every houſe of correction or workhouſe in this kingdom at every general quarter-ſeſſions of the peace, to be held for the county, city, or town, wherein ſuch houſe of correction or workhouſe is, ſhall deliver to the juſtices of the peace at the ſaid quarter-ſeſſions an exact calendar, or an account, of the names of every perſon in his cuſtody in writing, and ſigned by him; together with the time when, and for what, and by whom, committed to him, to the end the juſtices may in open court enquire into the cauſe of ſuch commitment, and the condition and circumſtances of each perſon, and either continue or diſcharge them, as ſhall ſeem to the court moſt juſt and reaſonable; and every maſter or keeper of ſuch houſe of correction or workhouſe failing herein ſhall for every ſuch neglect forfeit the ſum of five pounds to ſuch perſon or perſons, as ſhall be in his cuſtody, and not returned by him in calendar as aforeſaid, to be recovered before the next going juſtices of aſſize and general goal delivery in a ſummary way, or at the next quarter-ſeſſions in the county of Dublin by civil bill.

Keeper of workhouſe to return a calendar at ſeſſions of all priſoners;

Penalty 5 l. by civil bill, to every one not returned.

XIX. And whereas by a ſtatute made in the thirty third year of the reign of King Henry the eighth, intituled, *An act that maketh it felony to any man to run away with his maſter's caſket:* it is made felony for ſervants to go away with the caſkets, jewels, money, goods, or chattels, delivered to their keeping by their maſter or miſtreſs, with intent to ſteal the ſame, and to defraud his or their maſter or miſtreſs thereof, contrary to the truſt and confidence in him or them repoſed, or, being in ſervice of ſuch maſter or miſtreſs, without aſſent or commandment of his maſter or miſtreſs ſhall imbezle or otherwiſe convert the ſame to his or their uſe, with like purpoſe to ſteal the ſame, being of the value of forty ſhillings or above; which law has proved leſs effectual, becauſe the offenders are intituled to the benefit of clergy: be it therefore enacted by the authority aforeſaid, That if any perſon or perſons be found guilty of any of the offences in the ſaid ſtatute, or ſhall ſtand mute, or challenge peremptorily above the number of twenty, he, ſhe, and they ſhall ſuffer death, as in caſes of felony without benefit of clergy.

27 *H.* 8. 17. *Eng.* 1 *E.* 6. 12. *Eng.* 33 *H.* 8. 5. *ſeſſ.* 1. *vid.* 1 *G.* 2. 24. *where the goods under* 40 *s. and above* 5.

Offenders againſt 33 *H.* 8. 5. *ſeſſ.* 1. ouſted of clergy.

XX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall refuſe or neglect to pay any hackney coachman or chairman the money juſtly due to him or them

Refuſing to pay for, or cutting or breaking, hackney coach or chair,

A. D. 1715. Chap. 17.

them for carrying ſuch perſon in his or their coach or chair, or ſhall wilfully cut, deface, or break any ſuch coach or chair, it ſhall and may be lawful to and for the lord mayor of the city of Dublin for the time being, and each and every of the juſtices of the peace for the ſaid city, within the ſaid city and the liberties thereto belonging, and to and for the reſpective ſeneſchals of the liberties of St. Sepulchers and Thomas-court, and Donore, within their reſpective liberties, upon complaint made to them reſpectively, to grant a ſummons, requiring ſuch perſon to appear before him at a certain time and place to anſwer to ſuch complaint; and in caſe any perſon ſo ſummoned, not being a peer of this realm, ſhall refuſe to appear, then to grant a warrant to bring ſuch perſon complained of, and ſummoned, before the perſon who iſſued ſuch ſummons; and upon proof made upon oath, which ſuch lord mayor or juſtice, or ſeneſchal, hath hereby power to adminiſter, to award reaſonable ſatisfaction to the party grieved for his damage and coſts; and, upon refuſal or neglect to pay or make ſuch ſatisfaction, to bind over the party ſo refuſing or neglecting to the next general quarter-ſeſſions of the peace, to be held for the city or the county where the offence ſhall be committed; and the juſtices of the peace at ſuch quarter-ſeſſions are hereby impowered finally to hear and determine the matter of the ſaid complaint, and to award ſatisfaction to the party grieved, and for non-payment to levy the ſame by diſtreſs upon the goods of the perſon ſo offending.

Lord mayor of Dublin, &c. may iſſue ſummons on complaint,

except to a peer,

and warrant on refuſal to appear,

and award reaſonable ſatisfaction,

and for non-payment, bind over to ſeſſions, &c.

XXI. And foraſmuch as it is found by daily experience, That divers hackney coachmen and chairmen do exact upon, and rudely and inſolently treat, perſons whom they carry in their chairs and coaches, and are guilty of other evil practices, contrary to an act of Parliament made in the ſecond year of the reign of her late Majeſty Queen Anne intituled, *An act for erecting a workhouſe in the city of Dublin for employing and maintaining the poor thereof,* by reaſon that the penalties inflicted on offenders againſt the ſaid act of Parliament are only recoverable before the lord mayor of the ſaid city, who is often neceſſarily engaged in a great multiplicity of buſineſs, and that the power for making by-laws to hinder diſturbances, ſtoppages, and other inconveniences in the ſtreet by ſuch hackney coaches or chairs, and to prevent any rudeneſs by coachmen or chairmen, is veſted jointly in the lord mayor, recorder, aldermen of the city of Dublin, and the aforeſaid ſeneſchals, who cannot be gotten together, as often as occaſion does require, and by the ſaid act ſuch by-laws are only to bind the perſons, that have licences to keep hackney coaches and chairs, and are not to affect drivers of the coaches or perſons carrying chairs, in reſpect of their driving ſuch coaches, or carrying ſuch chairs;

Hackney coach or chairmen misbehaving contrary to 2 *Anne* 19.

chairs; and the penalties and forfeitures for tranſgreſſing ſuch by-laws are not to exceed twenty ſhillings: for remedy therefore of the aforeſaid miſchiefs and inconveniencies, be it further enacted by the authority aforeſaid, That all and every the penalties and forfeitures impoſed by the aforeſaid act of Parliament, or by any by-law made in purſuance thereof, or to be made in purſuance of this preſent act, may and ſhall be recovered before and inflicted by any of the juſtices of the peace in the ſaid city of Dublin, or any of the ſaid ſeneſchals, where the offence ſhall be committed, within their reſpective liberties, in ſuch manner as ſuch penalties and forfeitures may be inflicted by or recovered before the lord mayor of the city of Dublin by the aforeſaid act; and that it ſhall and may be lawful to and for the lord mayor, recorder, and aldermen of the city of Dublin, and the reſpective ſeneſchals of the aforeſaid liberties of Saint Sepulchers, Thomas-court, and Donore, or any five or more of them, whereof the lord mayor of the ſaid city, or ſome one of the juſtices of the peace of the ſaid city to be always one, to make by-laws, rules, and orders, for preventing diſturbances, ſtoppages, and inconveniencies in the ſtreets, and for puniſhing ſuch hackney coachmen or chairmen, who ſhall refuſe to go for hire, when not actually imployed and paid for waiting; and to prevent rudeneſs and exacting in hackney coachmen or chairmen, and all other illegal practices, contrary to the deſign of the aforeſaid act; which by-laws may extend to bind the perſon or perſons, who ſhall drive ſuch hackney coach, or carry any hackney chair, as well as the perſons who have licence to keep ſuch hackney coaches or chairs; and may inflict pecuniary penalties not exceeding forty ſhillings for the breach of any ſuch by-law on the perſons offending, or make void the licence which the perſon offending had for keeping any hackney coach or hackney chair by ſuch by-laws; and may ſubject ſuch perſons as ſhall drive hackney coaches, or carry hackney chairs for hire, to corporal puniſhment, by being ſent to the houſe of correction, there to be whipt and kept at hard labour for ſuch ſpace of time as ſhall be thought proper, not exceeding thirty days, or to be publickly whipt through the ſtreets of Dublin.

A. D. 1715. Chap. 17.

The penalties by ſaid act may be recovered before any of the juſtices or ſeneſchals, as before lord mayor.

Lord mayor, &c. of Dublin may make by-laws,

to bind drivers as well as perſons licenſed;

and inflict penalty of 40 s. or make void the licence, and corporal puniſhment, by commitment or whipping.

XXII. Provided nevertheleſs, That the by-laws and orders, to be made in purſuance of this act, ſhall be approved by the lord chancellor, lord keeper, or commiſſioners for keeping the great ſeal, the lord archbiſhop of Dublin, lord chief juſtice of the King's-bench, lord chief juſtice of the Common-pleas, and lord chief baron of the Exchequer for the time being, or any two of them, and ſhall be printed and poſted upon the Tholſel in the ſaid city of Dublin.

Said by-laws to be approved by lord chancellor, &c. printed and poſted.

XXIII. And

A. D. 1715. Chap. 17.

XXIII. And whereas in and by the ſaid act for erecting a workhouſe in the city of Dublin, for imploying and maintaining the poor thereof, it is among other things enacted, "That the go- "vernors and guardians of the poor of the city of Dublin ſhall and "may on every firſt Monday in the month of June elect and con- "ſtitute out of and from amongſt themſelves ſeven aſſiſtants to con- "tinue in the ſaid offices for one year, five of whom with the lord "mayor of the city of Dublin, are required from time to time, "upon the firſt Thurſday in every month, to keep a court or "aſſe.nbly of the ſaid corporation within the ſaid city; which court "or aſſembly is impowered and authorized from time to time to "make by-laws and ordinances for the better governing of the ſaid "corporation:" And whereas it is found very difficult, and for the moſt part impracticable, to aſſemble and get together five of the ſaid aſſiſtants on the days aforeſaid, by reaſon they are ſo few in number, whereby the neceſſary buſineſs of the ſaid workhouſe is very much delayed: for remedy thereof, be it enacted by the authority aforeſaid, That the governors and guardians of the ſaid poor ſhall for ever hereafter on every firſt monday in the month of June elect and conſtitute out of and from amongſt themſelves nine aſſiſtants in the ſame manner, and to continue for the ſame time, and under the ſame reſtrictions, the ſeven aſſiſtants were by the ſaid act to be elected; whoſe offices on the death, ceſſion, or removal of any one of them, ſhall and may be filled up, and ſupplied in ſuch manner as in the ſaid former act the ſaid governors and guardians are directed and impowered to do; and that the ſaid lord mayor and any three of the ſaid aſſiſtants ſhall have full power and authority, and are hereby required and enjoined from time to time, upon the firſt thurſday in every month, to keep a court or aſſembly of the ſaid corporation within the ſaid city; which court or aſſembly ſhall have the ſame power and authority to make and ordain by-laws, rules, and ordinances, and to do all matters and things for the better governing of the ſaid corporation in as full and ample manner, as the ſaid lord mayor and five of the ſaid aſſiſtants were by the ſaid former act impowered to do; any thing therein contained to the contrary notwithſtanding.

Governors of the poor on firſt monday in June to elect 9 aſſiſtants, in ſame manner, &c. as by 2 *Anne* 19.

Lord mayor and 3 aſſiſtants to keep a court firſt thurſday monthly, and make by-laws.

XXIV. And be it further enacted by the authority aforeſaid, In caſe any perſon ſhall be ſued for any thing he ſhall do in purſuance of this act, that the defendant may plead the general iſſue, and give the ſpecial matter in evidence; and if verdict ſhall paſs for the defendant, or the plaintiff ſhall become nonſuited, or judgment ſhall paſs for the defendant in ſuch ſuit, that ſuch defendant ſhall recover treble coſts of ſuit.

Perſons ſued for acting may plead general iſſue, and may recover treble coſts.

A. D. 1715.

CHAP. XVIII.

An Act for preventing abuſes and deceits in his Majeſty's revenue, by the importing of brandy in ſmall quantities.

FOR preventing frauds frequently uſed in importing of ſtrong waters, ſpirits, or brandy, in ſmall quantities, whereby the ſame is more eaſily conveyed away without payment of the duties thereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That from and after the twenty ninth day of September, in the year of our Lord one thouſand ſeven hundred and ſixteen, no brandy, ſingle or double, ſhall be imported from parts beyond the ſeas in any caſk or veſſel, which ſhall not contain fifty gallons at the leaſt, upon pain of forfeiting the ſaid brandy, or the value thereof, ſo to be imported as aforeſaid; whereof one half ſhall be to his Majeſty, his heirs and ſucceſſors, and the other moiety to ſuch perſon or perſons who ſhall inform or ſue for the ſame, to be recovered of the importer or proprietor thereof by action of debt, bill, plaint, or information, in any of his Majeſty's courts in Dublin, wherein no eſſoign, wager of law, or protection, ſhall be allowed, or more than one imparlance.

Brandy not to be imported in any caſk under 50 gallons, on pain of forfeiture, or the value.

21 *G.* 2. 4.
23 *G.* 2. 3. to the King and informer.
6 *G.* 1. 8. *ſuch ſeiſures proſecuted before commiſſioners of exciſe*, &c.
33 *G.* 2. 10.

II. Provided nevertheleſs, That ſuch ſmall quantities, as ſhall be neceſſary for the uſe of the ſhip's company in the ſhip, in which the ſame ſhall be imported, not exceeding one gallon for each ſeaman, ſhall not be deemed or conſtrued any breach of this act.

Except one gallon allowed each man of the ſhip's company.

CHAP. XIX.

An Act for the more effectual preventing fraudulent conveyances, in order to multiply votes for electing members to ſerve in Parliament; and for preventing the irregular proceedings of ſheriffs, and other officers in electing and returning ſuch members.

WHEREAS many fraudulent and ſcandalous practices have been uſed of late to create and multiply votes at the election of knights of the ſhire, and other members to ſerve in Parliament, to the great abuſe of the antient law and cuſtom of this kingdom, to the great injury of thoſe perſons, who have juſt right to vote and elect, and in prejudice of the freedom of ſuch elections: therefore for the more effectual preventing of ſuch undue practices, be it enacted by the King's moſt excellent Ma-

10 *Anne* 23. *Eng.*

A. D. 1715. Chap. 19.

jeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſixteen, all eſtates and conveyances whatſoever made to any perſon or perſons in any fraudulent or colluſive manner, on purpoſe to qualifie him or them to give his or their vote or votes at ſuch elections of knights of the ſhire, or citizens for counties of cities, or burgeſſes for counties of towns, or any other burroughs where freeholders have a right to vote in the election for ſuch burrough, ſubject nevertheleſs to conditions or agreements to defeat or determine ſuch eſtate, or to re-convey the ſame, ſhall be deemed and taken againſt thoſe perſons, who executed the ſame, as free and abſolute, and be holden and enjoyed by all and every ſuch perſon or perſons, to whom ſuch conveyance ſhall be made as aforeſaid, freely and abſolutely acquitted, exonerated, and diſcharged of and from all manner of truſts, conditions, clauſes of re-entry, powers of revocation, proviſoes of redemption, or other defeazances whatſoever, between or with the ſaid parties, or any other perſon or perſons in truſt for them; and that all bonds, covenants, collateral or other ſecurities, contracts or agreements, between or with the ſaid parties, or any other perſon or perſons in truſt for them, or any of them, for the redeeming, revoking, or defeating ſuch eſtate or eſtates, or for the reſtoring or re-conveying thereof, or any part thereof, to any perſon or perſons, who made or executed ſuch conveyance, or to any perſon or perſons in truſt for them, or any of them, ſhall be null and void to all intents and purpoſes whatſoever; and that every perſon, who ſhall make and execute ſuch conveyance or conveyances as aforeſaid, or, being privy to ſuch purpoſe, ſhall deviſe or prepare the ſame, and every perſon, who by colour thereof ſhall give any vote at any election of any ſuch member to ſerve in Parliament, ſhall for every ſuch conveyance ſo made, or vote ſo created or given, forfeit the ſum of forty pounds to any perſon, who ſhall ſue for the ſame, to be recovered, together with full coſts of ſuit, by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at Dublin, wherein no eſſoign, priviledge, protection, wager of law, or more than one imparlance ſhall be admitted or allowed.

Fraudulent conveyances to qualify perſons to vote at elections ſhall be abſolute, and diſcharged of truſts, conditions, revocation, defeaſance, &c.

and all ſecurities for defeating ſuch eſtates, void.

Perſons executing or preparing, or voting by colour of, ſuch conveyance,

Penalty 40 l. to proſecutor.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of June, which will be in the year of our Lord one thouſand ſeven hundred and ſixteen, no perſon ſhall vote for the electing of any ſuch member within this kingdom by virtue or colour of any freehold, of which he has not been in poſſeſſion, or ſhall not have received the rents or profits,

Freeholder to be in poſſeſſion, receive or intitled to

profits, or to be intituled to have received the ſame, to the full value of forty ſhillings *per annum* or more, to his own uſe, for ſix months before ſuch election, unleſs ſuch lands or tenements came to ſuch perſon within the time aforeſaid by deſcent, marriage, marriage ſettlement, deviſe, or preſentation to ſome benefice in the church, or by promotion to ſome office, unto which ſuch freehold is affixed; and if any perſon ſhall vote in any ſuch election contrary to the true intent and meaning hereof, he ſhall for every ſuch offence forfeit the ſum of forty pounds; one moiety thereof to the poor of the pariſh or pariſhes where the lands and tenements lie, for which ſuch perſon ſhall vote; and the other moiety to the perſon or perſons, who ſhall ſue for the ſame; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at Dublin, wherein no eſſoign, priviledge, protection, or wager of law, ſhall be allowed, or more than one imparlance.

A. D. 1715. Chap. 19.

receive the profits, 40 s. *per ann.* to his own uſe, ſix months before election, 19 *G.* 2. 11. 21 *G.* 2. 10. unleſs by deſcent, marriage, marriage ſettlement, deviſe, preſentation, or promotion. 1 *G.* 2. 9. Penalty for voting contrary, 40 l. to poor and proſecutor.

III. And be it further enacted by the authority aforeſaid, That upon every election, where freeholders have a right to vote for members of Parliament, every freeholder, before he is admitted to poll at ſuch election, ſhall (if required by the candidates, or any of them, or any other perſon having a right to vote at ſuch election) firſt take the oath following: *(viz.)*

Freeholder to be ſworn, if required by one having right to vote.

You ſhall ſwear, that you are a freeholder in the county of and have freehold lands or hereditaments, lying or being at in the county of of the clear yearly value of forty ſhillings above all charges payable out of the ſame; and that you believe the ſame may be ſo lett to a reſponſible tenant; and that ſuch freehold eſtate hath not been made or granted to you fraudulently, or on purpoſe to qualifie you to give your vote; and that the place of your abode is at in and that you have not been polled before at this election.

The oath.

another oath by 19 *G.* 2. 11. *and* 21 *G.* 2. 10. 10 *Anne* 23. *Eng.* 18 *G.* 2. 18. *Eng.*

Which oath the ſheriff or ſheriffs by himſelf or themſelves, his or their under-ſheriff, or ſuch ſworn clerk or clerks as ſhall be by him appointed for the taking of the poll, is hereby required to adminiſter; and in caſe any freeholder, or other perſon taking the ſaid oath hereby appointed, ſhall thereby commit willful and corrupt perjury, and be thereof convicted; or if any perſon do unlawfully and corruptly procure or ſuborne any freeholder, or any other perſon, to take the ſaid oath in order to be polled, whereby he ſhall commit ſuch wilful and corrupt perjury, and ſhall be thereof convicted, he and they for every ſuch offence ſhall incur the like pains and penalties, as are in and by one act of Parliament,

adminiſtered by ſheriff, &c.

Perjury and ſubornation puniſhable as by 5 *Eliz.* 9. *Eng.* 28 *Eliz.* 1.

A. D. 1715. Chap. 19.

Parliament, made in the fifth year of the reign of the late Queen Elizabeth, intituled, *An act for punishment of such persons as shall procure or commit any wilful perjury*, enacted against all such, who shall commit wilful and corrupt perjury, or suborne or procure any person to commit any corrupt perjury contrary to the said act.

Sheriff, &c. to enter electors freehold and abode, and *jurat* if sworn:

IV. And the better to detect and punish any offender against this act, be it further enacted by the authority aforesaid, That in taking the poll the sheriff or sheriffs, or his or their under sheriff and clerks, shall enter not only the place of the electors freehold, but also the place of his abode, as he shall declare the same at the time of the giving his vote; and also shall make or enter *jurat* against the name of every such voter, to whom the oath hereby required shall be tendred, and by whom the same shall be taken; and that the said sheriff or returning officer shall within the space of twenty days next after such election faithfully deliver over upon oath, which oath the two next justices of the peace are hereby enabled and required to administer unto the clerk of the peace of the same county, all the poll books of such respective elections, without any imbezelment or alteration, to be carefully kept and preserved among the record of the sessions of the peace of the said county.

and in 20 days deliver on oath the poll books to clerk of peace.

7. and 8. *Wil.* 3. 25. *Eng.*

Sheriff to proceed to election where assises, in county of Dublin where sessions, last held.

V. And be it further enacted by the authority aforesaid, That upon every election to be made of any knight or knights of the shire to serve in this present Parliament, or any future Parliament, the sheriff of the county, where such election shall be made, shall proceed to election for the said county at the place, where the assizes for the said county, and in the county of Dublin where the sessions of peace for the same county, were last held; and that the said sheriff, or in his absence his under sheriff, or such as he shall depute, shall at the same place of election proceed to the polling all the freeholders then and there present, and shall not adjourn the county-court, then and there held, to any other town or place within the said county, nor longer than from day to day, without the consent of the candidates; nor shall by any unnecessary adjournments in the same place of election protract or delay the election, but shall duly and orderly proceed in the taking of the said poll from day to day, and time to time, without any further or other adjournment without the consent of the candidates, until all the freeholders then and there present shall be polled, and no longer; except the poll shall be held on Saturday, in which case it shall be lawful to adjourn to the Monday following.

All freeholders present shall be polled;

no adjournment without consent of candidates,

except from Saturday to Monday.

VI. And

A. D. 1715. Chap. 19.

VI. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of June next ensuing, in all towns, burroughs, or other places having right to send members to serve in Parliament, where the right of election is in the inhabitants of such town, burrough, or other place only, no inhabitant shall be qualified to give his vote at any election of any member to serve in Parliament for such town, burrough, or place as aforesaid, unless he shall continue to be an inhabitant of such town, burrough, or other place, for the space of six months next before the test of the writ for electing of members to serve in Parliament.

In places where right of election in inhabitants, none to vote unless he continue inhabitant six months next before test of the writ.

VII. And be it enacted by the authority aforesaid, That from and after the twenty fourth day of June next no freeholder, burgess, freeman, or inhabitant, being a papist, or professing the popish religion, shall be admitted to give his vote in the election of knights for any shires or counties within this kingdom, or citizens, or burgesses, to serve in this or any future Parliament, unless such person shall have taken the oaths of allegiance and abjuration at least six calendar months before the day of such election, and shall also take the said oaths at the day of election, if required so to do by the sheriff, one of the candidates, or any person having a right to vote at the said election; which oaths the sheriff, his sub sheriff, or the returning officer at such election, is hereby impowered to administer: and in case any papist, or person professing the popish religion, shall contrary to the intent and meaning of this act give his vote at any election in this or any future Parliament, and be thereof convicted, such person shall for every such offence forfeit the sum of one hundred pounds; to be recovered by bill, plaint, or information, in any of his Majesty's courts of record in the King's courts Dublin, in which no essoign, protection, or wager of law, or more than one imparlance, shall be allowed, one moiety thereof to his Majesty, and the other to the informer.

No papist to vote, unless taking oaths of allegiance and supremacy six months before election, and at the election if required. 2 *Anne* 6. 1 *G.* 2. 9. 7 and 8 *W.* 3. 27. *sect.* 19. *Eng.* 6 *Anne* 23. *sect.* 13. *Eng.*

Penalty 100*l.* to the King and informer.

VIII. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June next no person, hereafter to be elected to serve in Parliament for any county, city, town, or burrough within this kingdom, after the test of the writ of summons to Parliament, upon the calling or summoning of any Parliament hereafter, shall by himself, his friends, or agents, or any imployed on his behalf, and at his cost and charge, before his election to serve in Parliament for any county, city, town, or burrough within this kingdom, directly or indirectly give, present, or allow, to any person or persons, having voice or vote in such elections, any money, meat, drink,

7 *Wil.* 3. 4. *Eng.* 2 *G.* 2. 24. *sect.* 7. *Eng.*

No candidate after test of the writ shall give reward or entertainment, or promise the same, *&c.* to or for any voter.

A. D. 1715. Chap. 19.

drink, entertainment, or proviſion, or make any preſent, gift, reward, or entertainment, or ſhall at any time hereafter make any promiſe, agreement, obligation, or engagement, to give or allow any money, meat, drink, proviſion, preſent, entertainment, or reward, to or for any ſuch perſon or perſons in particular, or to any ſuch county, city, town, or burrough, in general, or to or for the uſe, advantage, benefit, imployment, profit, or preferment, of any ſuch perſon or perſons, place or places, in order to be elected, or for being elected, to ſerve in Parliament for ſuch county, city, town, or burrough.

On death or removal of alderman or burgeſs, new election to be in twenty one days after notice. 1 G. 2. 9. *enlarged to thirty one days.*

IX. And whereas great complaints are made in many corporations of this realm, That on the death, removal, or reſignation of any alderman or burgeſs, the chief magiſtrate of ſuch corporation doth often proceed to an election of a new alderman or burgeſs to ſucceed in the room and place of ſuch alderman or burgeſs ſo dying, removed, or reſigning, in a private and clandeſtine manner, without giving due and publick notice of the time and place of ſuch election: for remedy whereof, and to the intent and purpoſe that ſuch elections in corporations may be fair and equal; be it enacted by the authority aforeſaid, That from and after the twenty fourth day of June next enſuing, when any alderman or burgeſs in any corporation of this kingdom ſhall happen to dye, or be removed from, or reſign, his or their office of alderman or burgeſs, that the chief magiſtrate, and aldermen or burgeſſes of ſuch corporation, where ſuch election is in the alderman and burgeſs, or aldermen and burgeſſes, duly ſhall proceed to a new election of an alderman or burgeſs, to ſerve in the room and place of ſuch alderman or burgeſs ſo dying, removed, or reſigning, within twenty one days after notice of the death, removal, or reſignation of ſuch alderman or burgeſs; and the chief magiſtrate of ſuch corporation ſhall and is hereby required to give publick notice in writing, to be poſted up in the moſt publick place of ſuch corporation, of the day, time, and place of election, by the ſpace of eight days next preceding the day of ſuch election to be made as aforeſaid.

Chief magiſtrate to give publick notice in writing eight days before election.

CHAP.

CHAP. XX.

An Act to limit the time for criminal proſecutions for words ſpoken.

WHEREAS no time is limitted by the law for proſecutions for words, whereby great inconveniencies may happen, and the perſon accuſed may be diſabled to make ſuch defence as he might have made, if he had been proſecuted and tryed for the ſame in a ſhort time after the crime committed: for remedy whereof be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons ſhall be proſecuted for any words, that ſhall be ſpoken, after the twenty fourth day of June one thouſand ſeven hundred and ſixteen, by indictment or information in any courts of law or juſtice, unleſs information of ſpeaking ſuch words be given upon oath before one or more juſtice or juſtices of the peace of the counry, city, or town, where ſuch words ſhall be ſpoken, within one calendar month, or before one of the judges of his Majeſty's court of Chief place within two calendar months after the words are ſpoken.

No proſecution for words, unleſs information on oath before a juſtice of peace in one month; or a judge of B. R. in two.

II. And be it further enacted by the authority aforeſaid, That upon ſuch information, if the caſe ſhall require it, the lord chief juſtice, or other judge of the King's bench, or ſuch juſtice or juſtices of the peace, ſhall iſſue his or their warrant or warrants for apprehending and bringing the perſons ſo accuſed before him or them, or ſome other of his Majeſty's juſtices of the peace of the county, city, or town, where ſuch words ſhall be ſo ſpoken; and the lord chief juſtice or judges of the King's bench, or ſuch juſtice or juſtices of the peace, before whom ſuch offender ſhall be brought, ſhall oblige him, her, or them, to appear the next term, aſſizes, or ſeſſions, which ſhall be held for the county, city or town, where ſuch words ſhall be ſpoken, in order to his, her, or their tryal.

Thereon a warrant to iſſue,

Offender obliged to appear next term, aſſiſes, or ſeſſions.

III. And be it further enacted by the authority aforeſaid, That all actions, ſuits, bills, indictments, or informations, which after the firſt day of July in the year one thouſand ſeven hundred and ſixteen, ſhall be had, brought, ſued, or exhibited, for any forfeiture upon any ſtatute penal, made or to be made, whereby the forfeiture is or ſhall be limitted to the King, his heirs

Suits, &c. on penal ſtatutes, where forfeiture to the King only, ſhall be in two years after offence: 28 *H.* 8. 21. Where to the King and

A. D. 1715.

any other, in one year.

1 *H.* 8. 4. *Eng.*

31 *Eliz.* 5. *Eng.*

heirs or ſucceſſors only, ſhall be had, brought, ſued, or exhibited, within two years next after the offence committed or to be committed againſt ſuch act penal, and not after two years; and that all actions, ſuits, bills, or informations, which after the ſaid firſt day of July ſhall be had, brought, ſued, or commenced, for any forfeiture upon any penal ſtatute made or to be made, the benefit and ſuit whereof is or ſhall be by the ſaid ſtatute limitted to the King, his heirs or ſucceſſors, and to any other which ſhall proſecute in that behalf, ſhall be had, brought, ſued, or commenced, by any perſon that may lawfully purſue for the ſame as aforeſaid, within one year next after the offence committed or to be committed againſt the ſaid ſtatute; and in default of ſuch purſuit, that then the ſame ſhall be had, ſued, exhibited, or brought for the King's Majeſty, his heirs or ſucceſſors, at any time within two years after that year ended: and if any action, ſuit, bill, indictment, or information, for any offence againſt any penal ſtatute made or to be made, ſhall be brought after the time in that behalf before limitted, that then the ſame ſhall be void and of no effect; any act or ſtatute made to the contrary notwithſtanding.

In default thereof, then for the King in two years after that year.

Suits after ſuch time, void.

But to be brought in ſhorter time if limitted by any penal ſtatute.

IV. Provided always, That where any action, information, indictment, or other ſuit, is or ſhall be limitted by any ſtatute penal to be had, ſued, commenced, or brought, within ſhorter time, than is afore rehearſed, that in every ſuch caſe the action, information, indictment, or other ſuit, ſhall be brought within the time limitted by ſuch ſtatute.

CHAP. XXI.

An Act to prevent the deſtruction of ſalmon fry, and better preſerving the ſalmon fiſhing in this kingdom.

10 *C.* 1. 14. *ſeſſ.* 3. 8 *G.* 1. 7. 11 *G.* 2. 14. 31 *G.* 2. 13.

FORASMUCH as by many undue practices the ſalmon-fiſhing in this kingdom is moſt extreamly decayed, chiefly by killing the ſpawning-fiſh in the months of Auguſt, September, October, November, December, and January, the time of ſpawning, by nets, lights, ſpears, and by millers and other perſons putting cod-nets, baſkets, and other engines at their mill-tails, and taking the young ſalmon-fry, as they are endeavouring to go down to ſea in the months of March, April, and May: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this Parliament aſſembled, and by the authority of the ſame, That no perſon whatſoever

ſhall

ſhall or may from and after the twenty fourth day of June, which will be in the year one thouſand ſeven hundred and ſixteen, make, have, or keep, any liſter or ſpear for killing of ſalmon, or make uſe of any light upon any freſh water river above the flowing of the tide; nor ſhall make uſe of any nets or other engines whatſoever fit for taking ſalmon-fry, at any mill-tail: and that the perſon or perſons offending herein, ſhall for every ſuch offence forfeit the ſum of twenty ſhillings, to be levied and diſpoſed of in manner hereafter directed, as alſo ſuch nets employed or made uſe of contrary to the meaning of this act; and that it ſhall be lawful for any perſon, without other warrant than this act, to ſeize any liſter or ſpear proper for killing ſalmon, or wheel-baſket, or engine proper to take ſalmon-fry, although the ſame hath not been made uſe of to that purpoſe, and to carry the ſame before ſome juſtice of the peace of the county, where the ſame ſhall be ſeized, who is and are hereby authorized and required to deſtroy the ſame.

A D. 1715. Chap. 21.

None to make or keep any liſter or ſpear for ſalmon, or uſe lights on rivers, or nets or engines at a mill-tail: Penalty, forfeiture thereof and 20*s.* any one may ſeiſe them, tho' not uſed. carried before a juſtice, and deſtroyed.

II. And be it further enacted by the authority aforeſaid, That it may be lawful to and for any perſon, without other or farther warrant than this act, to ſeize, and bring before one or more juſtice or juſtices of the peace every perſon, whom he ſhall find offending contrary to this act, who are hereby impowered, upon conviction by the teſtimony of one or more witneſſes of any perſon offending in any of the aforementioned particulars in this act, to iſſue his or their warrant or warrants for the raiſing the ſeveral aforementioned penalties upon the goods and chattles of the reſpective offenders; which penalties when levied, are to be paid to the informer; and in caſe the ſaid perſon or perſons ſo offending ſhall refuſe or not be able to pay the ſaid fine, by this act impoſed on the reſpective offenders, that then in ſuch caſe the ſaid juſtice or juſtices may and ſhall by warrant under his or their hands and ſeals commit ſuch perſon to the houſe of correction or work-houſe for any time not exceeding one month, there to remain at hard labour, and have due correction according to law, or to be publickly whipt in the next market-town the next market day.

Offenders may be ſeiſed without warrant, and brought before a juſtice; Penalties to informer: on default of payment, committed or whipt.

A. D. 1715.

CHAP. XXII.

An Act for making more effectual an act, intituled, *An Act to prevent the maiming of cattle.*

17 G. 2. 5. WHEREAS great numbers of barbarous and evil minded men in ſeveral counties in this kingdom did of late confederate to deſtroy the cattle, and lay waſte the farms of ſeveral graziers and farmers, his Majeſty's induſtrious and peaceable ſubjects, and in execution of the ſaid wicked deſign, being armed with unuſual weapons, did maim, kill, ſtab, and deſtroy in the night time great flocks of ſheep, and herds of other cattle, to the great damage of this nation, and terror of his Majeſty's good ſubjects, and charge of the ſeveral counties of this kingdom, where the ſaid offences were committed, notwithſtanding the law made in this kingdom, intituled, *An act to prevent the maiming of cattle*; whereby it is enacted, "That the malitious, unlaw- "ful, and wilful maiming, killing, or deſtroying any horſes, "ſheep, cows, or other cattle whatſoever, ſhall be adjudged "felony;" now for the making the ſaid law the more effectual, and for the better preventing the like evils for the future, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That where any perſon or perſons ſhall hereafter be convicted of malitious, unlawful, and wilful maiming, killing, or deſtroying any horſes, ſheep, cows, or other cattle, according to the ſaid recited and before mentioned act, that ſuch perſon and perſons ſo duly convicted ſhall ſuffer death as in caſes of felony without benefit of clergy.

9 *Anne* 11. 29 G. 2. 12.

Maiming or deſtroying cattle, felony without clergy.

II. And for the better diſcovery of ſuch offenders, be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the grand juries of the ſeveral and reſpective counties within this kingdom from time to time by preſentment to raiſe, as other country charges are raiſed, any ſum or ſums of money, as they ſhall think fit, not exceeding the ſum of ten pounds for any one perſon, to be paid as a reward and encouragement to any perſon or perſons, who ſhall diſcover or make known any offender or offenders, who ſhall be guilty of malicious maiming, killing, or deſtroying any horſes, ſheep, cows, or other cattle, contrary to the before recited act; which ſums of money, when ſo raiſed, ſhall be paid to ſuch diſcoverer and proſecutor in ſuch manner and proportion, as the grand jury ſhall in their reſpective preſentments preſcribe and direct after the conviction of ſuch offenders, and not otherwiſe.

Grand juries may raiſe by preſentment 10 *l.* as a reward to diſcoverers, after conviction.

CHAP.

A. D. 1715.

CHAP. XXIII.

An Act for the relief of inſolvent debtors.

FORASMUCH as many perſons, now detained in priſon are reduced to great poverty by the misfortunes, that have attended them by the deadneſs of trade and otherwiſe, whereby they are totally diſabled from giving any ſatisfaction to their creditors, and by being detained in priſon are rendred uſeleſs, and a burthen to the kingdom: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That all perſons, who were in priſon, and actually confined within the walls of ſuch priſon by legal commitments or proceſs, without fraud or colluſion with their creditors or others, upon the twentieth day of October in the year of our Lord God one thouſand ſeven hundred and fourteen, and who have ever ſince the time of ſuch commitment continued within the walls of ſuch priſon, unleſs removed by *habeas corpus* upon any action or actions, or upon meſne proceſs for debt, or other actions whatſoever, which may become judgments, or who have judgments entered upon record againſt them, or charged in execution, or impriſoned upon attachments for debts or other action, or upon outlawries before or after judgment for debt, caſe, or treſpaſs, or upon any other proceſs whatſoever iſſued out of any court of law or equity, for debt, damage or coſt, who ſhall take the oath hereafter mentioned, ſhall and may be releaſed and diſcharged from their impriſonment, and the debts owing by them, in ſuch manner as hereafter is provided.

II. And be it enacted by the authority aforeſaid, That it ſhall be lawful for any juſtice of the peace of any county, city, town, or liberty, within this kingdom, by warrant under his hand and ſeal to require the ſheriffs, goalers or goaler, or keeper of any priſon, within his or their reſpective juriſdiction, to bring before the juſtices of the peace at the then next quarter-ſeſſions for the reſpective county, city, or town, the body of any perſon, being in priſon for debt, or upon any other action or proceſs as aforeſaid, on the day aforeſaid, and who ſhall petition ſuch juſtice of the peace to be diſcharged; which warrant every ſuch ſheriff, goaler, or keeper, is hereby commanded to obey under the pain and forfeiture of twenty pounds *ſterl.* for every ſuch delay, neglect, or refuſal; to be paid to the priſoner obtaining ſuch warrant; and to be recovered of every ſuch ſheriff, goaler, or keeper of any priſon, by action of debt, bill, plaint, or information, wherein no eſſoign, protection, or wager of law, or more than one imparlance ſhall be allowed; and ſuch priſoner, coming before ſuch juſtice of the peace at the ſaid ſeſſions, ſhall in open court take and ſign an oath to the effect following:

I A. B. *do upon my corporal oath in the preſence of Almighty God ſolemnly ſwear, profeſs, and declare, that I am not worth in land, money, ſtock, or any other eſtate real or perſonal, in poſſeſſion, reverſion, or remainder, to the value of five pounds* ſterl. *in the whole, over and above the effects contained in a ſchedule now delivered in by me, or ſufficient to pay the debt or damage, for which I am in priſon; and that I have not directly or indirectly ſold, leaſed, or otherwiſe conveyed, diſpoſed of, or intruſted all or any part of my land, money, goods, ſtock, or eſtate, whereby to ſecure the ſame, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors, to whom I am indebted: and that there is not to my knowledge or belief any lands, tenements, or hereditaments, goods, chattles, debt, or other intereſt whatſoever, aſſigned or conveyed to any perſon or perſons in truſt for me, or my wife, or any child, or any other*

perſon

person which is any way subject to my order, or under my power, or by which I am any way intituled to any benefit or advantage, other than what is contained in the said schedule now delivered in by me; that I was actually a prisoner within the prison of at the suit of and have so continued until this day.

III. And be it further enacted by the authority aforesaid, That the justices of the peace, who shall grant such warrant for bringing such prisoner before the justices of the peace at their next sessions, shall without fee or reward give a writing, importing notice to the creditor or creditors under his hand and seal, that he has granted such warrant, and that the prisoner has petitioned him to be discharged; and the said summons or notice shall be left with or served upon such person or persons, his or their executors, administrators, attorney or agents, lawfully authorized, to be left at the dwelling-house or usual place of abode, as the petitioner shall stand indebted to, at least twenty days before such quarter-sessions, thereby appointing as well the said persons, as the said prisoner, to appear before the justices at the next general sessions of the peace to be held for the same county, city, town, or liberty; and when it shall appear upon oath before the said justices, that the said summons was so served or left twenty days or more before the said sessions, and that the said oath, taken by the said prisoner, be not disproved by good testimony of any credible person upon oath, to be administered by the said justices; then such justices of the peace in their said sessions, being satisfied therewith, shall thereupon without fee or reward by their warrant command the sheriff, goaler, or keeper of any prison, to set at liberty the prisoner without fees, such prisoner paying for lodging or chamber-rent such sum as the said justices shall limit and appoint for the same; which warrant shall be a discharge to the sheriff, goaler, or keeper of any prison, and indemnify him against any escapes.

IV. And be it further enacted by the authority aforesaid, That if any creditor shall insist to have his debtor detained in prison after swearing or taking the oath aforesaid for the space of thirty days after such quarter sessions, that then such creditor so insisting to detain the prisoner shall actually pay the prisoner six pence *per diem*; and, in case of neglect of payment, the prisoner to be discharged; and if within the said thirty days no estate of the prisoner beyond the value of five pounds, over and above the schedule delivered in as aforesaid, can be found, discovered, or made out before two justices of the peace, then the prisoner to be forthwith discharged without fee or reward by warrant under the hands and seals of any two justices of such county, city, town or liberty, and the same to be as effectual as if discharged in open sessions.

V. And be it further enacted by the authority aforesaid, That no prisoner, that shall be discharged by this act, shall at any time hereafter be imprisoned for any debt or damages for which he, she, or they were committed to prison on or before the twentieth day of October one thousand seven hundred and fourteen; and, that upon any arrest for such debt or damages, it shall and may be lawful to and for him, her, or them, shewing a duplicate of his, her, or their discharge, which he, she, or they are to have without fee, to retain an attorney to appear for him, her, or them, and file common bail only, and no more to be required to every action, and plead thereunto that he, she, or they were discharged by vertue of this act, without setting forth any of the matter required to be performed by this act, it being to be left to the plaintiff to shew any failure therein by his replication, if he shall think fit, so that the plaintiff, if he pleases, may recover and enter up judgment against such prisoner, to be executed and levied upon the lands, tenements, goods, and chattles of such prisoner, his or her wearing apparel, and necessary furniture for his or her dwelling house, and the furniture or necessary tools for his or her occupation, not exceeding in the whole five pounds, and such goods as he or she hath had or shall have upon fresh credit, after such his or her discharge, only excepted, but not upon his, her, or their person, which shall for ever hereafter be freed and discharged from imprisonment for any such debt or damages, for which they were confined, the said twentieth day of

of October one thouſand ſeven hundred and fourteen, nor ſhall any ſuch priſoner, that ſhall be diſcharged by this act, be impriſoned during the term of three years next after the time of ſuch diſcharge, for any debt or damages, ſum or ſums of money, contracted, owing, or growing due to any perſon or perſons whatſoever before the ſaid twentieth Day of October one thouſand ſeven hundred and fourteen, but upon any arreſt for ſuch debt or damages ſuch priſoner ſhall and may, during the ſaid term of three years and no longer, file common bail, and plead and proceed in the ſame manner and form, and have the ſame benefit, liberty, and advantage, as is before ordered, directed, and appointed, in caſe of an arreſt for the debt or damages, for which ſuch priſoner was committed.

VI. And be it further enacted by the authority aforeſaid, That if any ſheriff, goaler, or keeper of any priſon, ſhall refuſe or delay to bring the priſoner to the quarter ſeſſions in order to his diſcharge, or detain the priſoner after he ſhall be diſcharged, every ſuch ſheriff, goaler, or keeper of any priſon, ſhall forfeit and pay the priſoner twenty pounds, to be recovered by civil bill before the judge or judges of aſſize, or before ſuch judge or Kings council as ſhall hold ſeſſions at Kilmainham in the county of Dublin, or by bill, plaint, or information, in any of his Majeſty's courts, where no eſſoin, protection, or wager of law, or more than one imparlance ſhall be allowed; and alſo ſhall be liable to ſuch fine not exceeding ten pounds, as the juſtices of the peace ſhall in their diſcretion think fit to impoſe.

VII. And be it further enacted by the authority aforeſaid, That upon any action of eſcape, or other ſuit to be brought againſt any juſtice of the peace, ſheriff, goaler or keeper of any priſon, for doing their office in purſuance of this act, they may plead the general iſſue, and give this act in evidence; and if the plaintiff be nonſuited, or verdict paſs againſt him, the defendant ſhall have treble coſts.

VIII. Provided, That the diſcharge of any perſon ſhall not acquit any other jointly or ſeverally bound for the ſaid debt, or any part thereof, either as principal or ſecurity: but that every ſuch perſon or perſons ſhall be anſwerable for the ſaid debt and damages in ſuch manner, as they were before.

IX. Provided alſo, That no perſon by virtue of this act ſhall be diſcharged out of priſon, who ſhall be charged in execution, and ſhall really owe more than the ſum of one hundred pounds to any one perſon principal money, or ſhall be in execution at the ſuit of any other perſon or perſons for more in the whole than three hundred pounds; ſuch debt to be aſcertained by the court or courts out of which ſuch execution did iſſue, or by any decree in Chancery.

X. And be it further enacted by the authority aforeſaid, That if any priſoner ſhall at any time afterwards be found or ſuſpected by any creditor to have in ready money, goods, or chattles, in his or her own hands and poſſeſſion, or in the hands and poſſeſſion of any others to his or her uſe, in value over and above what is allowed by this act, other than ſuch goods as are in his or her ſhop or work-houſe, as he or ſhe ſhall have been intruſted with ſince the time of his or her diſcharge, and for what he or ſhe ſhall be really indebted, and he or ſhe will not or do not upon any reaſonable demand pay his or her debts therewith, as far as the ſame will reach; that then in ſuch caſe at the requeſt of any creditor an oath ſhall be tendred by any juſtice of the peace, or by any judge of the court, where there is judgment againſt him or her, for diſcovery thereof, and he or ſhe refuſing to take the ſaid oath, or if it ſhall thereby appear he or ſhe have a greater eſtate, than is allowed by this act to be diſcharged, or any lands, tenements, or hereditaments, goods, chattles, or other intereſt whatſoever aſſigned or conveyed to any perſon or perſons in truſt for him, or his wife, or any child, or any other perſon which is any way ſubject to his or her order, or under his or her power, or by which he or ſhe is any way intituled to any benefit or advantage, other than what is contained in the ſchedule delivered in by him or her as aforeſaid, he or ſhe ſhall be remanded to priſon in execution for ſuch debt; any thing in this act to the contrary notwithſtanding.

A. D. 1715. Chap. 23.

XI. And be it further enacted by the authority aforeſaid, That this act ſhall not extend to diſcharge any perſon in execution for any fine, on him or her impoſed for any offence committed or done againſt the King's Majeſty.

XII. Provided, That every priſoner on meſne proceſs, if it ſhall be deſired by any creditor before the juſtice of the peace, to whom the priſoner has applyed for his diſcharge, ſhall forthwith give a warrant to ſome attorney to appear and file common bail, and receive a declaration, and ſuch priſoner ſhall thereupon have the full benefit of this act, as to the liberty of his or her perſon upon the ſaid meſne proceſs, and againſt any judgment or execution, that ſhall be had againſt him or her in ſuch ſuit, that ſhall be brought againſt him or her, to all intents as fully as if he or ſhe had been charged in execution the ſaid twentieth day of October one thouſand ſeven hundred and fourteen; but ſuch in priſon upon ſuch meſne proceſs ſhall, in ſuch caſe of refuſal to give ſuch warrant of attorney, loſe the benefit of this act.

XIII. And be it further enacted by the authority aforeſaid, That every priſoner, before he or ſhe is diſcharged, ſhall ſwear what effects are belonging to him or her, or in truſt for him or her, or over which he or ſhe hath any power, or out of which he or ſhe is intituled to any benefit or advantage, and what debts are owing to him or her, and by whom, or for what cauſe, and upon what ſecurity, and ſhall make a ſchedule thereof in the preſence of the juſtices, and ſubſcribed by the priſoner; which ſhall be returned by the juſtices to the next ſeſſions, there to remain for the better information of the creditors of ſuch priſoner; who, or ſuch of them as will join, may thereupon ſue for ſuch debts, or ſo much thereof as will reaſonably ſatisfy them, in the name of the priſoner; and, after the ſame ſhall be recovered and received, ſhall render the overplus thereof to the priſoner, their own debts and charges firſt deducted.

XIV. And be it further enacted by the authority aforeſaid, That if any perſon, who ſhall be diſcharged by this act ſhall wilfully perjure him or herſelf in taking the above mentioned oath, and ſhall be thereof lawfully convicted, he or ſhe ſo offending ſhall incur all the pains, forfeitures, and penalties, in caſes of wilful perjury; and over and above the ſaid penalties, which may by the laws now in being be inflicted, be committed to the houſe of correction, there to remain for twelve months without bail or mainprize, and there to be kept to hard labour during the time of ſuch impriſonment.

XV. And whereas James Duggan of the city of Dublin taylor, now a priſoner for debt in the marſhalſea of the Four courts, by reaſon of great exactions and oppreſſions he met with in his dealings, whilſt he was an undertaker in company for cloathing the army in this kingdom, and otherwiſe, broke, and failed in his credit in the month of September one thouſand ſeven hundred and five: but purpoſing to make an equal diſtribution of all his effects, which were very conſiderable, for payment of his juſt creditors, did for that end and intent in the month of November in the ſaid year one thouſand ſeven hundred and five, together with his partners in the cloathing trade, by deed duly executed, aſſign over to truſtees therein named all his and their effects whatſoever, and diſtribution hath been accordingly made to the value of ſeventeen ſhillings in the pound, or thereabouts: yet hath he, the ſaid James Duggan, by ſome of his creditors been deprived of his liberty ever ſince the ſaid twelfth day of September one thouſand ſeven hundred and five, by being ſo long confined to his houſe, till the fifth day of September laſt, or thereabouts, when he the ſaid Duggan was arreſted and actually impriſoned: and foraſmuch as the ſaid James Duggan hath acted honeſtly and ſincerely with his creditors by aſſigning his effects as aforeſaid, and the confining of his perſon cannot be of any real advantage to his creditors: be it therefore enacted by the authority aforeſaid, That the perſon of the ſaid James Duggan be ſet at liberty, and diſcharged from his confinement, and from all writs, proceſs, judicial, or other demands whatſoever, which he now is or was liable to upon account of any debt or debts by him owing, or which he was ſubject or liable to pay at or before the ſaid fifth

fifth day of September laſt paſt: ſaving to all and every creditor and creditors of the ſaid James Duggan all ſuch right, challenge, and demand, as they, every, or any of them, have or had to his effects, or to the effects of him in company, aſſigned for the benefit of the creditors, by any deed or deeds whatſoever. A. D. 1715.

XVI. Provided That, in order to the diſcharging the perſon of the ſaid James Duggan out of confinement, ſuch methods, ways, and means ſhall be obſerved at the general quarter ſeſſions, or in ſuch other place or places where other inſolvent debtors are diſcharged, and ſuch oath and oaths by him taken, as is by this act preſcribed to be taken by other inſolvent debtors; and that the ſaid Duggan ſhall conform himſelf thereto in all particulars, and be for the future ſubject and liable to his creditor or creditors in ſuch like manner, as is by this act directed, preſcribed, and appointed, in the caſe of other inſolvent debtors having and receiving benefit by this act, and he with them to have an equal advantage thereof.

XVII. Provided always, and be it further enacted by the authority aforeſaid, That nothing herein contained ſhall any way extend, or be deemed or conſtrued to extend, to enlarge or diſcharge the perſon or eſtate of Thomas Walſh gent. now in cuſtody of the marſhal of the Four courts.

XVIII. Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to give any benefit, eaſe, diſcharge, or releaſe, to Abraham Moyers a Jew, a notorious cheat, or Henry Thorp, now in cuſtody of the marſhal of the Four courts Dublin, or in cuſtody of the marſhal of the city of Dublin, who have ſeverally notoriouſly impoſed on, and wilfully defrauded their creditors.

XIX. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to give any benefit, eaſe, diſcharge, or releaſe to Joſeph Fitz-Symons late of Trim in the county of Meath, now in the cuſtody of the marſhal of the Four courts.

CHAP. XXIV.

An act for changing the ſcite and new building of the pariſh-church of St. Werburg's in the city of Dublin.

WHEREAS the pariſh-church of the pariſh of St. Werburg's within the city of Dublin is ſo decayed and ruinous, that the pariſhioners cannot with ſafety aſſemble therein for the performance of divine ſervice, and likewiſe of ſo ſmall extent, that great numbers of the conformable inhabitants are forced either wholly to neglect the publick worſhip of Almighty God, or repair to other pariſh-churches, ſo that to remedy the ſaid evil it is become abſolutely neceſſary to rebuild the ſaid church in a larger and more capacious manner; the expence whereof the pariſhioners, being moſtly ſhop-keepers and tradeſmen, who pay great and heavy rents, are of themſelves no way able to bear: and whereas his moſt ſacred Majeſty King George (whom God long preſerve) out of his royal bounty and tender regard for the eaſe of his people, and his moſt religious diſpoſition to promote the honour of Almighty God, and his true religion eſtabliſhed, hath been pleaſed by his letters patents under the great ſeal of this his kingdom of Ireland to grant to the miniſter, church-wardens, and pariſhioners of the ſaid pariſh, and their ſucceſſors for ever, all that plot or ſpace of ground, on which the treaſury and council-chamber formerly ſtood, towards the rebuilding of the ſaid church: and whereas upon the neareſt and moſt exact computation, that can be made, a further ſum of money, than what will ariſe from the ſale of the ſaid ground, will be neceſſary for the rebuilding, finiſhing, and adorning the ſaid church, to which it is moſt juſt and reaſonable that the ſeveral pariſhioners, and all and every ſuch perſon or perſons, who receive any rents or profits out of houſes, lands, tenements, or hereditaments, lying within the ſaid pariſh, encouraged by the example of ſo great and royal a bounty, ſhould contribute: be it therefore

A. D. 1715. Chap. 24.

therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the right honourable the lord high chancellor of Ireland for the time being, the moſt reverend the archbiſhop of Dublin for the time being, the right honourable the lord mayor of the city of Dublin for the time being, the right honourable the lord chief juſtice of the Common pleas for the time being, the right honourable Robert Moleſworth and John Allen, eſquires, Sir John St. Leger, knight, the recorder of the ſaid city for the time being, and the miniſter of the ſaid pariſh of St. Werburg's for the time being, Sir John Rogerſon and Sir James Barlow knights, Benjamin Burton, Samuel Walton, Thomas Quin, Thomas Bolton, Thomas Wilkinſon, Thomas Curtis eſquires, aldermen of the ſaid city, and Stephen Ludlow, Francis Harriſon, Joſhua Allen, Richard Geering and Jacob Peppard of the ſame eſquires, or any five of them, whereof the lord high chancellor for the time being, or the lord archbiſhop of Dublin, or the lord mayor of Dublin for the time being, to be always one, be and are hereby nominated and appointed commiſſioners for building the ſaid church of St. Werburg's, and for computing and aſcertaining what further ſum or ſums of money, over and above what ſhall ariſe from the ſale of the ground aforementioned, or the voluntary contribution of well-diſpoſed perſons, ſhall be neceſſary for the rebuilding, finiſhing, and adorning the ſaid church.

II. And be it further enacted by the authority aforeſaid, That on certificate of any ſuch ſum or ſums, ſo aſcertained as aforeſaid, and ſignified under the hands and ſeals of the ſaid commiſſioners, or any five of them, whereof the lord high chancellor of Ireland for the time being, or the lord archbiſhop of Dublin, or the lord mayor of the city of Dublin for the time being, ſhall be one, to the miniſter and church-wardens of the ſaid pariſh, it ſhall and may be lawful for the ſaid miniſter and church-wardens, and the inhabitants of the ſaid pariſh, or the major part of them, that ſhall be aſſembled at any veſtry duly ſummoned, at which there ſhall be no leſs than twenty at leaſt of the principal and other inhabitants preſent, and they are hereby impowered to ceſs, rate, and charge all ſuch ſum or ſums, ſo aſcertained and ſignified as aforeſaid, upon the ſeveral inhabitants and pariſhioners of the ſaid pariſh, and upon all and every perſon or perſons, as well mortgagees, joyntreſſees, as others, who ſhall receive and enjoy any rents or profits ariſing out of houſes, lands, tenements, or hereditaments, lying or being within the ſaid pariſh, any covenant or contract to the contrary thereof in any wiſe notwithſtanding; to be paid in ſuch manner and proportions, and at ſuch times, and to ſuch perſons, as by the ſaid veſtry ſhall be ordered, or by this act is appointed.

III. Provided always, that all and every ſuch perſon or perſons, as well mortgagees, joyntreſſees, as others, who ſhall receive or enjoy any rents or profits ariſing out of houſes, lands, tenements, or hereditaments, lying or being within the ſaid pariſh, ſhall not in the whole be ceſſed, rated, or charged, for or on account of any ſuch rents or profits, towards the payment of any ſum or ſums ſo aſcertained and certified by the commiſſioners aforeſaid for the rebuilding the ſaid church, over and above one fourth part of one whole years clear rents or profits.

IV. Provided alſo, That if the ſaid commiſſioners, or any five of them, whereof the lord high chancellor for the time being, or the lord archbiſhop of Dublin, or the lord mayor of the city of Dublin for the time being, to be one, ſhall upon a computation of the whole expence judge a leſſer proportion than the ſaid fourth part of one whole years clear rent or profit, (that is to ſay) one fifth, ſixth, ſeventh or eighth part, to be an equal and ſufficient portion of the ſaid expence, for the ſaid perſons, who receive any rents or profits iſſuing out of houſes, lands, tenements, or hereditaments within the ſaid pariſh, to bear; that then and in ſuch caſe all and ſingular the ſaid perſons, as well mortgagees, joyntreſſees, as others who receive or enjoy any rents or profits ariſing out of houſes, lands, tenements, or hereditaments within the ſaid pariſh, ſhall be ceſſed, rated, and charged with ſuch leſſer portion only, and no more, of one whole years rent or profit, as ſhall be aſcer-

tained, appointed, and ſettled by the ſaid commiſſioners, and ſignified under their hands and ſeals to the miniſter and church-wardens of the ſaid pariſh.

V. And for the more equal aſſeſſment and eaſie recovery of the ſaid fourth part, or any leſſer portion, if the ſame ſhall be judged ſufficient for the uſes aforeſaid, be it further enacted by the authority aforeſaid, that every tenant in poſſeſſion, or occupant of any houſe, land, or tenement within the ſaid pariſh, ſhall be obliged to pay to the church-wardens of the ſaid pariſh, or other perſon or perſons by act of veſtry appointed to receive the ſame, one fourth part, or ſuch leſſer portion as ſhall be judged ſufficient by the commiſſioners aforeſaid, of one whole years clear rent or profit of ſuch houſe, land, or tenement, as he is actually poſſeſſed of, in the ſpace of two years, at four equal half yearly paymens; the firſt payment to be made on the twenty fifth day of December one thouſand ſeven hundred and ſixteen; all which ſum or ſums ſo paid by the tenant in poſſeſſion, or occupant of any houſe, lands, or tenements, ſhall be allowed to him or her upon account of and in full diſcharge for ſo much rent, by his or her next immediate ſuperior landlord or leſſor, from whom he derives, or to whom the rent is payable; and in like manner if the ſaid next and immediate landlord or leſſor hold the premiſſes, or any part thereof, from any other ſuperior landlord or leſſor over him, then and in ſuch caſe one fourth part, or ſuch leſſer portion as ſhall be aſſeſſed of one whole years clear rent, which he is to pay to ſuch his ſuperior landlord or leſſor, ſhall be allowed to him or her upon account of, and in full diſcharge for, ſo much rent by his or her ſaid ſuperior landlord or leſſor, and ſo upwards reſpectively, till all and every perſon and perſons, as well mortgagees, joyntreſſees, as others, who ſhall receive and enjoy any rents or profits ariſing out of houſes, lands, tenements, or hereditaments, within the ſaid pariſh, ſhall pay one fourth part, or ſuch leſſer portion as ſhall be aſſeſſed, of one whole year's clear rent or profits accrewing to them, or any of them reſpectively, out of the lands, houſes, tenements, or hereditaments; and every mortgagee ſhall be repaid, what he ſhall ſo advance, by the mortgager before the lands mortgaged to him ſhall be redeemed; and in caſe that any perſon inhabiting or occupying any houſe or ground within the ſaid pariſh ſhall either pay no yearly rent for the ſame, or not to the value thereof, or ſhall refuſe to make known what his or her yearly rent is, then, and in all ſuch caſes it ſhall and may be lawful for the pariſhioners of the ſaid pariſh at a veſtry duly aſſembled to appoint and impower ſuch perſon or perſons, being houſe-keepers within the ſaid pariſh, as they ſhall think proper, in conjunction with the church-wardens of the ſame for the time being, to make a due return of the yearly value of each, every, or any ſuch houſe or parcel of ground; which ſaid return ſhall be ſo made upon oath before one or more of the commiſſioners before mentioned, who are hereby impowered to adminiſter ſuch oath; and from the time the ſame ſhall be allowed and approved of by the ſaid commiſſioners, or any five of them, whereof the lord high chancellor for the time being, or lord chief juſtice of the Common-pleas for the time being, or the recorder of the city of Dublin ſhall be one, that then and from thenceforth every ſuch occupant or inhabitant ſhall be obliged in like manner and by ſuch portion as above-mentioned, to pay and contribute unto the uſe aforeſaid one fourth part, or ſuch leſſer portion as aforeſaid, of one year's clear value of each ſuch houſe or piece of ground, according to ſuch return ſo made upon oath as aforeſaid, charging to their ſuperior landlords or leſſors the fourth part of ſuch rent as they ſhall reſpectively pay as aforeſaid; and if any perſon or perſons ſhall neglect or refuſe to pay any ſum or ſums of money which ſhall be ceſſed and applotted upon him, her, or them, purſuant to this preſent act, that then it ſhall and may be lawful for the church-wardens of the ſaid pariſh, or any other perſon or perſons, by act of veſtry impowered to receive the ſame, by the aſſiſtance of the conſtable or conſtables of the ſaid pariſh, to levy the ſame by diſtreſs or diſtreſſes, and that ſuch diſtreſs or diſtreſſes, ſo taken for the ſaid tax or arrears thereof, ſhall be taken away and diſpoſed of as diſtreſſes for rent between landlord and

A. D. 1715. Chap. 24.

tennant; and if any ſuit or information ſhall be commenced or proſecuted againſt any perſon or perſons for what he or they ſhall do in purſuance or execution of this act, ſuch perſon or perſons ſo ſued ſhall and may in any court whatſoever plead the general iſſue, and give this act and the ſpecial matter in evidence, and if the plaintiff or proſecutor become non-ſuit, or forbear proſecution, or ſuffer diſcontinuance, or if a verdict paſs againſt him or them, the defendant or defendants ſhall recover treble coſts; for which he or they ſhall have the like remedy, as in caſes where coſts are given by law.

VI. Provided that if any perſon or perſons ſhall find him or themſelves aggrieved by any applotment or applotments made by virtue of this act, that then it ſhall and may be lawful for the ſaid commiſſioners, or any three of them, whereof the lord high chancellor for the time being, or the lord chief juſtice of the common-pleas for the time being, or the recorder of the city of Dublin for the time being, ſhall be one, upon complaint to them made, together with ſeven of the principal inhabitants of the ſaid pariſh, to hear all parties concerned in ſuch complaint, and thereupon to make ſuch order, as to them ſhall ſeem meet; which ſhall be final and concluſive.

VII. And be it further enacted by the authority aforeſaid, That this act be made, and is hereby declared to be in all courts and places a publick act of Parliament, and ſhall be taken notice of as ſuch in all courts of record.

THE

A. D. 1717.

THE FOURTH YEAR OF GEORGE I.

CHAP. I.

An Act for continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes.

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, having a moſt grateful ſenſe of the many inеſtimable bleſſings we enjoy under your Majeſty's moſt auſpicious reign; and of your Majeſty's tender care of our welfare and proſperity, which we are highly ſenſible do (under God alone) depend on the ſupport of your Majeſty's moſt undoubted right and title to the crown of theſe realms, and the ſucceſſion in your illuſtrious houſe; and being in the moſt chearful manner unanimouſly reſolved to ſupply your Majeſty to the utmoſt of our power with what ſhall be neceſſary for the ſupport of your Majeſty's government and the defence of this your kingdom, we do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the

A. D. 1717. Chap. I.

the authority of the ſame, That the ſeveral and reſpective additional rates, duties, and impoſitions upon beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, granted and continued, from the twenty firſt day of May one thouſand ſeven hundred and ſixteen unto the twenty firſt day of November one thouſand ſeven hundred and ſeventeen inclusive, in and by an act paſſed the laſt ſeſſions of Parliament in this kingdom, intituled, *An act for continuing to his Majeſty the additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes*, be further continued, raiſed, collected, levyed, and paid unto your Majeſty, your heirs and ſucceſſors, from the ſaid twenty firſt day of November one thouſand ſeven hundred and ſeventeen until the twenty firſt day of November, which ſhall be in the year of our Lord God one thouſand ſeven hundred and nineteen inclusive; which ſaid additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, ſhall be raiſed, levied, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the term aforeſaid, at the ſame times, and in the ſame manner, and by the ſame ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers, and in ſuch manner and form in all reſpects, as are preſcribed, mentioned, and, expreſſed in and by an act made in this kingdom in the fourteenth year of the reign of the late King Charles the ſecond, intituled, *An act for the ſettling of the exciſe, or new impoſt, upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force relating to the revenue or exciſe in this kingdom, as fully and effectually to all intents and purpoſes as if the ſame were particularly repeated and again enacted in the body of this preſent act, with the like liberty of appeal to and for the party grieved, as in and by the ſaid act of exciſe is provided.

1 G. 1. 7.

14 & 15 C. 2. 8.

II. And be it further enacted by the authority aforeſaid, That the ſeveral ſums hereafter mentioned be paid out of the aforeſaid additional duties and aids, granted to his Majeſty by this preſent act, to the perſons here after mentioned: (that is to ſay) three hundred pounds *ſterling* to Bruen Worthington a clerk of the houſe of commons; two hundred pounds *ſterling* to Iſaac Ambroſe, a clerk of the houſe of commons; a further ſum of two hundred pounds *ſterling* to the ſaid Bruen Worthington and Iſaac Ambroſe; two hundred pounds *ſterling* to John Ker, clerk aſſiſtant; two hundred pounds *ſterling* to Richard Povey, ſerjeant at arms attending the commons; two hundred and fifty pounds *ſterling* to William Bayly and Henry Buckley, the clerks attending the committee of accounts and other committees, to be equally divided between them; fifty pounds *ſterling* to John Fieldhouſe and William Campſey, door-keepers of the houſe of commons, to be equally divided between them; which ſaid ſeveral ſums are given to the ſaid ſeveral perſons as rewards for their ſeveral ſervices, attendances, and expence this ſeſſion of Parliament: one hundred pounds *ſterling* to Daniel Golborne, lately one of the committee-clerks to the commons, as a reward for his attendance and ſervice in former ſeſſions of Parliament; twenty five pounds *ſterling* to John Fieldhouſe, for his ſervice and attendance as one of the door-keepers to the late houſe of commons in the year one thouſand ſeven hundred and thirteen; twenty five pounds *ſterling* to Richard Weſt and Frances Weir, widow of Robert Weir deceaſed, to be equally divided between them as rewards for the attendance and ſervice of the ſaid Richard and Robert, as door-keepers to the late houſe of commons in the ſaid year one thouſand ſeven hundred and thirteen; all which ſaid ſeveral ſums are to be paid by the vice-treaſurer or receiver-general of this kingdom without any further or other warrant to be ſued for, had, or obtained in that behalf.

CHAP.

A. D. 1717.

CHAP. II.

An Act for continuing to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo a tax on all ſallaries, profits of imployments, fees, and penſions therein mentioned; and for granting a further additional duty on ale, beer, and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and for ſecuring the repayment of fifty thouſand pounds ſterling, *formerly advanced unto his Majeſty for the uſe of the publick, together with the intereſt thereof.*

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliamment aſſembled, having the deepeſt ſenſe of the great happineſs and ſecurity we enjoy under your Majeſty's moſt excellent government, which we always reſolve to ſupport to the utmoſt of our power; and taking into our ſerious conſideration that the debt remains ſtill unpaid, which your loyal commons chearfully and unanimouſly contracted the laſt ſeſſion of Parliament; to enable your Majeſty to put this kingdom in a poſture of defence againſt the unnatural and horrid rebellion, that was carried on in Great-Britain, and which muſt have proved fatal to this kingdom, had it not been prevented (under God) by the wiſdom of your Majeſty's councils, and the ſucceſs of your arms; as a further acknowledgment of our duty and affection for your Majeſty's perſon and government, and for the further ſupport of the neceſſary expences of the publick, and for ſecuring the repayment of the ſaid debt, we do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſeveral and reſpective additional rates, and duties, and impoſitions, for and upon all ſorts of wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine, imported into this kingdom, granted from the laſt day of January one thouſand ſeven hundred and fifteen unto the twenty firſt day of November one thouſand ſeven hundred and ſeventeen inclu-ſive in and by an act, paſſed the laſt ſeſſion of Parliament in this kingdom, intituled, *An act for granting to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo a tax on ſallaries, profits of employments, fees, and penſions therein mentioned,* be further continued, raiſed, collected, levyed, and paid unto your Majeſty, your heirs and ſucceſſors from the ſaid twenty firſt day of November one thouſand ſeven hundred and ſeventeen, unto the twenty firſt day of November, which ſhall be in the year of our Lord one thouſand ſeven hundred and nineteen incluſive. 2 G. 1. 3.

II. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons having upon the twenty firſt day of November in the year of our Lord one thouſand ſeven hundred and ſeventeen, or who ſhall have at any time during the term of two years, to be accounted from the ſaid twenty firſt day of November one thouſand ſeven hundred and ſeventeen, until the twenty firſt day of November, which ſhall be in the year of our Lord one thouſand ſeven hundred and nineteen incluſive, any office, ſallary, employment, fee, or penſion, upon his Majeſty's eſtabliſhment in this kingdom, ſhall pay unto his Majeſty, his heirs and ſucceſſors, the full ſum of four ſhillings *ſterling* a year out of every twenty ſhillings a year, which he, ſhe, or they do or ſhall receive or be intitled unto, by reaſon of ſuch office, ſallary, profit of employment, fee, or

A. D. 1717. Chap. 2.

penſion, unleſs ſuch perſon or perſons do and ſhall live, and actually reſide, within this kingdom ſix calender months at leaſt in each of the ſaid years; which ſaid tax or duty of four ſhillings *ſterling* a year out of every twenty ſhillings a year as aforeſaid ſhall be ſtopped and deducted yearly, during the time and term aforeſaid, by the vice-treaſurer, pay-maſter, and receiver-general of his Majeſty's revenues, and be accounted for to his Majeſty, his heirs and ſucceſſors.

III Provided always, and it is hereby declared, That this act ſhall not extend to charge the ſaid tax or duty of four ſhillings *ſterl.* a year on every twenty ſhillings as aforeſaid upon the ſalary, penſion, fees, or profits, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being, or the ſalary, fee, penſion, pay, or profits, payable to any perſon or perſons, who ſhall by his or their offices and imployments be obliged to an immediate attendance upon the perſons of his ſacred Majeſty, or their royal Highneſſes the prince and princeſs of Wales, during their continuance in ſuch their offices and imployments, or the pay of the officers of the army, or half-pay officers upon the eſtabliſhment of this kingdom.

IV. And for a further ſupply to your Majeſty, be it enacted by the authority aforeſaid, That from and after the ſaid twenty firſt day of November one thouſand ſeven hundred and ſeventeen unto the ſaid twenty firſt day of November one thouſand ſeven hundred and nineteen inclufive there ſhall be throughout this your Majeſty's kingdom of Ireland raiſed, levyed, collected, and paid to your Majeſty, your heirs and ſucceſſors, for and upon all beer, ale, and other liquors, that ſhall be brewed or made within this kingdom for ſale, the ſeveral further and other additional rates and duties herein after mentioned: (that is to ſay) for every thirty two gallons of beer or ale of above ſix ſhillings the barrel price, brewed within this kingdom by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, the ſum of ſix pence, over and above all other duties now payable for the ſame, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity: and for every thirty two gallons of beer or ale of ſix ſhillings the barrel, or under, brewed within this realm by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell or tap out beer or ale publickly or privately, one penny, over and above all other duties now payable for the ſame, to be paid by the common brewer, or ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity: for every gallon of *aqua vitæ*, ſtrong waters, or ſpirits, made or diſtilled within this kingdom for ſale, the ſum of one penny, over and above all other duties now payable for the ſame, to be paid by the firſt maker or diſtiller thereof: for every gallon of brandy, or ſpirits above proof, which ſhall be imported into this kingdom during the time above limited, the ſum of one ſhilling *per* gallon, and ſo proportionably for a greater or leſſer quantity, over and above all other duties now payable for the ſame.

V. And be it further enacted by the authority aforeſaid, That the ſaid further additional and other duties and impoſitions, hereby granted and charged on beer, ale, ſpirits, *aqua vitæ* and ſtrong waters, brewed and made in this kingdom; and upon brandy or ſpirits above proof that ſhall be imported into this kingdom, ſhall be raiſed, levied, collected, and paid unto his Majeſty, his heirs and ſucceſſors, during the time aforeſaid, over and above all other duties payable for the ſame, by virtue of an act paſſed in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by virtue of one other act made in the ſaid fourteenth year of the reign of the ſaid King Charles the ſecond, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums*

14 & 15 C. 2. c. 8. & 9.

2 G. I. 7.

of money, unto his royal Majeſty, his heirs and ſucceſſors; the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland according to a book of rates hereunto annexed: or by virtue of an act paſſed the laſt ſeſſion of Parliament in this kingdom, intituled, *An act for continuing to his Majeſty, the additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes:* and over and above the duty hereby further contained and granted on ſpirits perfectly made that ſhall be imported into this kingdom, and over and above all other duties and impoſitions formerly impoſed by any other law in this kingdom relating to the exciſe.

VI. And for a further ſupply to your Majeſty, be it enacted by the authority aforeſaid, That from and after the ſaid twenty firſt day of November one thouſand ſeven hundred and ſeventeen, and until the ſaid twenty firſt day of November one thouſand ſeven hundred and nineteen incluſive, and no longer, every common or retailing brewer, who after the ſaid twenty firſt day of November one thouſand ſeven hundred and ſeventeen ſhall brew or make any guile of beer or ale, ſhall declare to the gauger or gaugers, appointed to gauge or take an account of the ſame, how much ſtrong beer or ſtrong ale he intends to make of ſuch guile; and alſo how much ſmall (if he intends to make any) before any part of ſuch guile is cleanſed or removed out of his tuns: and in caſe any ſuch brewer or brewers, or his or their reſpective ſervants, brewing or making ſuch guile of beer or ale, ſhall refuſe to make ſuch declaration as aforeſaid, ſuch gauger or gaugers, ſhall gauge, charge, or return the whole of ſuch guile to be ſtrong, and ſuch brewer ſhall pay the duties thereof accordingly, and ſhall alſo forfeit and looſe for each barrel of beer or ale, contained in ſuch guile, the ſum of twenty ſhillings; and in caſe ſuch brewer, or his reſpective ſervants, after ſuch declaration made as aforeſaid, or after the ſame ſhall be gauged, ſhall make any encreaſe of the ſtrong beer or ſtrong ale, ſo declared and gauged as aforeſaid, by any ways and means whatſoever; and in caſe ſuch gauger or gaugers ſhall find any beer, ale, or wort, of the ſame guile laid off, over and above the quantity ſo gauged or declared, ſuch brewer ſhall forfeit and looſe for every barrel, ſo encreaſed over and above the quantity declared as aforeſaid, the ſum of five pounds; and the ſervant or ſervants of ſuch brewer, who were any way concerned or aſſiſting in making ſuch encreaſe after ſuch declaration, and after the ſame ſhall be gauged, ſhall forfeit and looſe for every barrel, ſo encreaſed or laid off, the ſum of twenty ſhillings, and in default of payment thereof ſhall ſuffer three months impriſonment; and, in caſe upon any information brought againſt ſuch brewer for the penalties by this act impoſed for encreaſing his length of beer or ale as aforeſaid, it ſhall appear the by evidence given on the behalf of ſuch brewer, that the ſtrong beer or ale, ſo gauged or declared as aforeſaid, was encreaſed by adding to or mixing with the ſame any beer or ale, that was left in the brew-houſe on a former guile of his or her brewing, ſuch brewer ſhall incur all the ſaid penalties, except it be alſo proved by the oaths of one or more credible witneſſes, that the ſtrong beer or ale, ſo added to ſuch guile, was added to ſuch guile in the ſight and view of the gauger; the ſaid evidence, or any other thing to the contrary, in any wiſe notwithſtanding.

VII. And be it further enacted by the authority aforeſaid, That if any common brewer, inn-keeper, or victualler, or retailer of beer or ale, after the ſaid twenty firſt day of November one thouſand ſeven hundred and ſeventeen, until the ſaid twenty firſt day of November one thouſand ſeven hundred and nineteen incluſive, and no longer, ſhall after the gauge taken by the gauger or officer of exciſe, or upon carrying out his drink, or after the ſame is carryed out, ſtart or mix any ſmall beer or ſmall wort with or amongſt any ſtrong beer or ſtrong ale upon his dray, or in any victualler's cellar, or other place, ſuch brewer, victualler, or other perſon or perſons, ſo doing, ſhall forfeit and looſe for every ſuch offence the ſum of five pounds.

VIII. And

A. D. 1717. Chap. 2.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the gauger or gaugers of the exciſe from time to time, from the ſaid twenty firſt day of November one thouſand ſeven hundred and ſeventeen, and until the ſaid twenty firſt day of November one thouſand ſeven hundred and nineteen incluſive, and no longer, to taſte the drink upon any ſuch brewers dray or drays, where and whenſoever he or they ſhall find and meet the ſame; and alſo upon requeſt to enter into the cellar or cellars, or other rooms in the poſſeſſion of any inn-keeper or victualler, that do or ſhall take or receive any drink of or from any common brewer; and to taſte the drink in the ſame; and if any ſuch inn-keeper or victualler after the ſaid twenty firſt day of November one thouſand ſeven hundred and ſeventeen until the ſaid twenty firſt day of November one thouſand ſeven hundred and nineteen incluſive, and no longer, ſhall refuſe ſuch gauger or gaugers to come into their cellar or cellars, or rooms, or, being entered, ſhall refuſe to give an account of the brewers name, and quantity of ſtrong beer and ſmall he had from ſuch brewer or brewers, and the time when received into his, her, or their cellars or rooms, or ſhall refuſe ſuch gauger or gaugers to taſte the drink, ſuch inn-keeper or victualler, or perſon retailing ſtrong ale or beer as is aforeſaid, ſhall forfeit and looſe the ſum of five pounds; the ſaid ſeveral forfeitures incurred during the term aforeſaid, and no longer, to be heard, adjudged, and determined before the commiſſioners or ſub-commiſſioners of exciſe, with the benefit of appealing, as is done in other caſes relating to the exciſe before them; and all forfeitures for the ſame ſhall be levyed and recovered as by thoſe laws are directed and appointed; one moiety whereof to go to the informer, and the other to the uſe of his Majeſty, his heirs and ſucceſſors; and the ſaid commiſſioners, and ſub-commiſſioners, are hereby impowered and authorized for offences from and after the ſaid twenty firſt day of November one thouſand ſeven hundred and ſeventeen, and until the twenty firſt day of November, which ſhall be in the year of our Lord one thouſand ſeven hundred and nineteen incluſive, and no longer, to ſummon evidence for diſcovery thereof, and upon refuſal or neglect of the party ſo ſummoned to give evidence, when he, ſhe, or they ſhall be thereunto required, and every ſuch perſon or perſons, (other than the party accuſed, ſo refuſing, ſhall for and during the term aforeſaid) and no longer, forfeit and looſe for every ſuch offence any ſum or ſums not exceeding ten pounds, to be impoſed and levyed, recovered and diſpoſed of, as the other penalties againſt the ſaid laws for the better levying, collecting, and recovering the duty of exciſe, are appointed to be levyed, collected, and received.

IX. And for a further ſupply to your Majeſty, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the gaugers and officers of exciſe from and after the ſaid twenty firſt day of November one thouſand ſeven hundred and ſeventeen, and until the ſaid twenty firſt day of November one thouſand ſeven hundred and nineteen incluſive, and no longer, to keep an account of all waſh and low wines, which ſhall from time to time be found by him or them in the hands or poſſeſſion of any diſtiller or diſtillers; and upon any decreaſe of waſh made of drink brewed or made from malted corn, or from unmalted corn, or any other grain, to charge ſuch diſtiller or diſtillers with as much ſtrong water as one ninth part of the waſh ſo decreaſed ſhall amount unto, or with as many gallons of ſtrong waters as one third part of the firſt extraction from the ſaid waſh ſo decreaſed (commonly called low wines) ſhall amount unto, and upon decreaſe of any waſh made from ſugars, malaſſes, or decayed wines, to charge ſuch diſtiller or diſtillers with one ſixth part as ſtrong waters, or with as many gallons of ſtrong waters as one half of the firſt extraction of low wines made from ſugars, malaſſes, or decayed wines ſhall amount unto; and ſuch diſtiller or diſtillers ſhall pay the duties of ſtrong waters ſo charged, as other duties in this preſent act are directed and appointed, from the twenty firſt day of November one thouſand ſeven hundred and ſeventeen, until the twenty firſt day of November one thouſand ſeven hundred and nineteen incluſive, and no longer.

X. Provided

X. Provided always, and be it further enacted by the authority aforeſaid, That it ſhall not be lawful to or for any perſon or perſons whatſoever to put all or any of the ſaid powers or authorities hereby given in execution, or to order or direct the execution thereof, or inflict, raiſe, proſecute, or ſue for any of the penalties, by this act impoſed, from or after the ſaid twenty firſt day of November, in the ſaid year of our Lord one thouſand ſeven hundred and nineteen, for any matter or thing omitted, committed, or done, after the ſaid firſt day of November one thouſand ſeven hundred and nineteen; but that the ſame ſhall be and are hereby declared to be from thenceforth null and void to all intents and purpoſes whatſoever; and in caſe any perſon or perſons ſhall go about or attempt to put all or any of the ſaid powers or authorities in execution from and after the ſaid twenty firſt day of November, in the ſaid year one thouſand ſeven hundred and nineteen, for any matter or thing omitted, committed, or done, after the ſaid firſt day of November one thouſand ſeven hundred and nineteen, ſuch perſon or perſons ſhall be thereby rendered incapable of holding or taking any office or employment under his Majeſty, his heirs or ſucceſſors, and ſhall alſo forfeit and pay to the party or parties, on whom ſuch attempt ſhall be made, the ſum of one hundred pounds, to be recovered by him or them by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record in this kingdom.

XI And be it further enacted by the authority aforeſaid, That all and every the additional and other duties hereby continued or granted ſhall be raiſed, levyed, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the term aforeſaid, at the ſame times, and in the ſame manner, and by the ſame ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers, and in ſuch manner and form in all reſpects, as are preſcribed, mentioned, and expreſſed, in and by the ſaid act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; or by any other law now in force relating to the revenue or exciſe in this kingdom, as fully and effectually to all intents and purpoſes, as if the ſame were particularly repeated and again enacted in the body of this preſent act, with like remedy of appeal to and for the party grieved, as in and by the ſaid act of exciſe is provided.

XII. And be it further enacted by the authority aforeſaid, That the ſix pence *per* pound, and all other fees, which ſhall or may be payable to the vice-treaſurer, receiver, or pay-maſter-general of this kingdom, for, or on account of, or out of the aids granted unto his Majeſty this preſent ſeſſion of Parliament, ſhall be received by the ſaid vice-treaſurer, receiver, or pay-maſter-general, for the uſe of his Majeſty, his heirs and ſucceſſors, and duly accounted for by him or them to his Majeſty, his heirs and ſucceſſors, as a further and additional aid hereby given.

XIII. And whereas your Majeſty's faithful commons the laſt ſeſſion of Parliament, the better to enable your Majeſty to provide for the defence and ſecurity of this your kingdom, came to an unanimous reſolution, That whatever ſums of money ſhould be advanced and paid into your Majeſty's treaſury by any perſon or perſons at the inſtances of their excellencies the then lords juſtices, or other chief governour or governours of this kingdom for the time being, for the defence thereof, ſhould be made good, with legal intereſt for the ſame, out of ſuch aids as ſhould be granted to your Majeſty the next ſeſſion of Parliament: and whereas for the better ſecuring ſuch ſum or ſums of money as ſhould be ſo advanced, it is provided by an act paſſed in the ſaid ſeſſion, intituled, *An act for continuing to his Majeſty the additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes* that ſuch ſum or ſums of money, as ſhould be ſo advanced and paid into your Majeſty's treaſury, ſhould be repaid unto ſuch perſon or perſons as ſhould lend or advance the ſame, his or their executors, adminiſtrators, or aſſigns, with legal in-

2 G. 1. 7.

A. D. 1717.

tereſt, out of the next aids to be granted by Parliament, without any deduction or abatement whatſoever: and whereas the ſum of fifty thouſand pounds hath been advanced and paid into your Majeſty's treaſury in purſuance of the ſaid reſolution and act of Parliament, which ſaid ſum ſtill remains due and unſatisfied: and whereas by the arrears now due to your Majeſty's eſtabliſhment, and the ſupport of the neceſſary branches thereof, the ſaid debt may not be fully ſatisfied and paid out of the aids granted this preſent ſeſſion of Parliament, as by the ſaid recited act is provided: be it further enacted by the authority aforeſaid, That ſuch perſon or perſons, who have advanced or paid unto your Majeſty's treaſury any ſum or ſums of money, being part of the ſaid principal ſum of fifty thouſand pounds, their executors, adminiſtrators, or aſſigns, ſhall have and receive, and be well and truly paid, at the receipt of your Majeſty's Exchequer, by the hands of the vice-treaſurer, receiver, or pay-maſter-general, his or their deputy or deputies, every ſix months the legal intereſt of the reſpective ſum or ſums of money ſo by them advanced, without fee or charge, and free from all manner of deductions, defalcations and abatements whatſoever, out of ſuch his Majeſty's treaſure or revenue as ſhall come to his or their hands, until they are reſpectively paid and ſatisfied the reſpective principal ſums, ſo by them paid and advanced as aforeſaid; and that if any part of the ſaid principal ſum of fifty thouſand pounds ſhall be due and unpaid on the twenty firſt day of November, which ſhall be in the year of our Lord one thouſand ſeven hundred and nineteen, the ſame ſhall be well and truly ſatisfied and paid unto the ſeveral and reſpective perſons, their executors, adminiſtrators, or aſſigns reſpectively, to whom the ſame ſhall be then due, together with ſuch legal intereſt for the ſame as ſhall be then due, without any deduction, defalcation, or abatement, for or on account of pells, poundage, or other fees, charges, or deductions whatſoever.

CHAP. III.

An Act for taking away the oath, commonly called the little oath, on members of corporations by the new rules.

The new rules made 1672 having the force of an act of Parliament by 17 & 18 C. 2. 2.

WHEREAS the lord lieutenant and council of Ireland in the year of our Lord one thouſand ſix hundred and ſeventy two did make and eſtabliſh certain rules, orders, and directions for the better regulating of all cities, walled towns, and corporations within this kingdom of Ireland, and the electing magiſtrates there, which commonly are called the new rules, and which have the force of an act of Parliament by virtue of a clauſe in an act intituled, *An act for explaining of ſome doubts ariſing upon an act*, intituled, *An act for the better execution of his Majeſty's gracious declaration for the ſettlement of this kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſoldiers, and other his ſubjects there:* and for making ſome alterations of and additions unto the ſaid act for the more ſpeedy and effectual ſettlement of the ſaid kingdom; in which ſaid rules it is expreſly ordered and provided, that certain perſons therein mentioned ſhould not be capable of holding or executing any of the offices, places, or employments therein ſpecified, until he ſhall have taken the enſuing oath:

I A. B. *do declare and believe, that it is not lawful upon any pretence whatſoever to take arms againſt the King: and that I do abhor that traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him:*

So help me God:

The oath thereby required,

And whereas the various interpretations, which have been put upon diverſe words and expreſſions in the ſaid oath, have been the occaſion of much perplexity to the conſciences of many well meaning people; and there are other oaths by law appointed, ſufficient to bind the conſcience of all good ſubjects of this realm to the payment of that allegiance, which by the laws of God and the land is due to our dread Sovereign King George, his heirs, and lawful ſucceſſors: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid oath, preſcribed to be taken in the ſaid new rules, the form, and words whereof are above expreſſed; and alſo, ſo much of the declaration deſcribed in another act made in the ſeventeenth and eighteenth of Charles the ſecond, intituled, *An act for the uniformity of publick prayers and adminiſtration of the ſacraments, and other rights and ceremonies, and for eſtabliſhing the form of making, ordaining, and conſecrating biſhops, prieſts, and deacons, in the church of Ireland,* as is expreſſed in theſe words,

various interpretations thereupon.

The ſaid oath preſcribed by the new rules, and alſo part of the declaration in 17 & 18 *C.* 2. 6. ſhall not henceforth be enjoyned. 5 *G.* 1. 6. *Eng.*

I A. B. *do declare, that it is not lawful upon any pretence whatſoever to take arms againſt the King, and that I do abhor that traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him,*

ſhall not henceforth be required or enjoyned, nor any perſon ſuffer any penalty, forfeiture, or loſs, by the not taking, ſubſcribing, making, or reading the ſaid oath, or the ſaid recited par of the ſaid declaration, the ſaid forementioned rules, or any law or ſtatute to the contrary notwithſtanding.

II. And be it further enacted by the authority aforeſaid, That no eccleſiaſtical or other perſon or perſons whatſoever ſhall be judged to have incurred any forfeiture of any eccleſiaſtical living or benefice, or of any office in any city or corporation, of which he or they are reſpectively actually poſſeſſed, by reaſon of their or any of their not having taken the ſaid oath, or ſubſcribed the ſaid declaration, ſince the thirteenth day of February one thouſand ſix hundred and eighty eight; but that they and every of them, ſhall and may have, hold, and enjoy ſuch eccleſiaſtical livings and offices in as full and beneficial manner as they might have done, if they had taken the ſaid oaths, or ſubſcribed the ſaid declaration.

No livings or offices ſhall be forfeited for not taking ſaid oath, or ſubſcribing ſaid declaration ſince 13th February 1688.

CHAP.

CHAP. IV.

An Act for the preſerving of all ſuch ſhips and goods thereof, which ſhall happen to be forced on ſhore, or ſtranded upon the coaſts of this kingdom.

6 *G.* 1. 8. 12 *Anne* 18. *ſtat.* 2. *Eng.*

Recital of 3 *E.* 1. 4.

WHEREAS by an act, made in the third year of the reign of King Edward the firſt, concerning wrecks at ſea, it is enacted, "Where a man, a dog, or a cat, eſcapes quick out of "the ſhip, that ſuch ſhip, nor barge, nor any thing in them; "ſhall be adjudged wreck; but the goods ſhall be ſaved and kept "by view of the ſheriff, coroner, or the King's bailiff, and deli- "vered into the hands of ſuch as are of the town, where the "goods were found, ſo that if any ſue for thoſe goods, and after "prove that they were his, or periſhed in his keeping within a "year and a day, they ſhall be reſtored to him without delay; "and if not, they ſhall remain to the King, or ſuch others to "whom wreck belongeth; and he that otherwiſe doth, and "thereof be attainted, ſhall be awarded to priſon, and make fine "at the King's will." And whereas by another act, made in the fourth year of the reign of the ſaid King Edward the firſt, intituled *De officio coronatoris*, concerning the wreck of the ſea, it is enacted, "That whereſoever it be found, if any lay hands of it, "he ſhall be attached by ſufficient pledges, and the price of the "wreck ſhall be valued and delivered to the town." And where-as great complaints have been made by ſeveral merchants, as well his Majeſty's ſubjects as foreigners, trading to and from this kingdom, that many ſhips of trade, after all their dangers at ſea eſcaped, have unfortunately near home run on ſhore, or been ſtranded on the coaſts thereof; and that ſuch ſhips have been barbarouſly plundered by his Majeſty's ſubjects, and their cargoes imbezled; and when any part thereof has been ſaved, it has been ſwallowed up by exorbitant demands for ſalvage, to the great loſs of his Majeſty's revenue, and to the much greater damage of his Majeſty's trading ſubjects: for remedy whereof be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſheriffs, juſtices of the peace of every county, or county of a city or town, and alſo all mayors, bailiffs, and other head officers of corporations and port-towns nearadjoining to the ſea, and all conſtables, headboroughs, tythingmen, and officers of the cuſtoms, in all and every ſuch places, ſhall, upon application made to them or any of them by or on the behalf of any commander, chief

5 & 4 *E.* 1. *ſtat.* 2.

Complaints of merchants that their ſhips are plun-dered when ſtranded,

and of ex-orbitant ſal-vage.

Sheriffs, juſtices, head officers of port-towns, officers of cuſtoms, &c. ſhall require conſtables of towns near

chief officers, owners, or freighters, of any ſhip or veſſel of any of his Majeſty's ſubjects, or others, being in danger of being ſtranded or run on ſhore, or being ſtranded or run on ſhore; are hereby impowered and required to command the conſtables of the ſeveral ports within this kingdom neareſt to ſea coaſts, where any ſuch ſhip or veſſel ſhall be in danger as aforeſaid, to ſummon and call together as many men, as ſhall be thought neceſſary, to the aſſiſtance and for the preſervation of ſuch ſhip or veſſel, ſo in diſtreſs as aforeſaid, and their cargoes; and that if there ſhall be any ſhip or veſſel, either man of war or merchant ſhip, belonging to his Majeſty, or any of his ſubjects, riding at anchor near the place where ſuch ſhip or veſſel is in diſtreſs or danger as aforeſaid; the officers of the cuſtoms and conſtables above mentioned, or any of them, are hereby impowered and required to demand of the ſuperior officer of ſuch ſhip or veſſel, ſo riding at anchor as aforeſaid, aſſiſtance of their boats, and ſuch hands as they can conveniently ſpare for the ſaid ſervice and preſervation of the ſaid ſhip or veſſel ſo in diſtreſs as aforeſaid; and that in caſe ſuch ſuperior officer of ſuch ſhip or veſſel riding at anchor as aforeſaid ſhall refuſe or neglect to give ſuch aſſiſtance, he ſhall forfeit for the ſame the ſum of one hundred pounds, to be recovered by the ſuperior officer of the ſaid ſhip or veſſel ſo in diſtreſs as aforeſaid; together with their coſts of ſuit in any of his Majeſty's courts of record by action of debt, bill, plaint, or information, wherein no eſſoin, wager of law, or protection ſhall be allowed. A. D. 1717. Chap. 4.

ſea-coaſts where ſhips ſtranded or in danger, to ſummon aſſiſtants;

and to require aſſiſtance from ſhips at anchor near the place;

ſuperior officer whereof refuſing, to forfeit 100 l. to commander of the ſhip in diſtreſs.

II. And for the encouragement of ſuch perſons as ſhall give their aſſiſtance to ſuch ſhips or veſſels ſo in diſtreſs as aforeſaid; be it further enacted by the authority aforeſaid, That the ſaid collectors of the cuſtoms, and the maſter or commanding officer of any ſhips or veſſels, and all others who ſhall act or be imployed in the preſerving any ſuch ſhip or veſſel in diſtreſs as aforeſaid, or their cargoes, ſhall within thirty days after the ſervice performed be paid a reaſonable reward for the ſame, by the commander, maſter, or other ſuperior officer, mariners, or owners of the ſhip or veſſel ſo in diſtreſs as aforeſaid, or by the perſon or merchant whoſe ſhip or veſſel, or goods, ſhall be ſo ſaved as aforeſaid; and in default thereof, the ſaid ſhip, veſſel, or goods, ſo ſaved as aforeſaid, ſhall remain in the cuſtody of ſuch officer of the cuſtoms, or his deputy, until ſuch time that all charges ſhall be paid, and until the ſaid officer of the cuſtoms, or his deputy, and the ſaid maſter or other officer of the ſhip or veſſel, and all others ſo imployed as aforeſaid, ſhall be reaſonably gratified for their ſaid aſſiſtance and trouble, or good ſecurity given for that purpoſe, to the ſatisfaction of the ſeveral parties that are to receive the ſame; and that in caſe after ſuch ſalvage the commander or other ſuperior officer, mariners,

Reaſonable reward to be paid in 30 days after ſervice performed:

in default thereof, the ſhip or goods to remain with officer of cuſtoms till ſuch reward or good ſecurity given.

A. D. 1717. Chap. 4.

ners, or owners of ſuch ſhip or veſſel ſo ſaved as aforeſaid, or the perſon or merchant, whoſe goods ſhall be ſaved as aforeſaid, ſhall diſagree with the ſaid officer of the cuſtoms, or his deputy, touching the monies deſerved by any of the perſons ſo imployed as aforeſaid; it ſhall be lawful for the commander of ſuch ſhip or veſſel ſo ſaved, or the owner of the goods, or the perſon or merchant intereſted therein, and alſo for the ſaid officer of the cuſtoms, or his deputy, to nominate two or more of the neighbouring juſtices of the peace, who ſhall thereupon adjuſt the *quantum* of the monies or gratuities to be paid to the ſeveral perſons acting or being imployed in the ſalvage of the ſaid ſhip, veſſel, or goods, and ſuch adjuſtments ſhall be binding to all parties; and the commander of ſuch ſhip or veſſel ſo ſaved, or the owner of the goods, or the perſon or merchant intereſted therein, ſhall pay down to the ſaid officer the monies ſo allotted by the ſaid juſtices of the peace, or give good and ſufficient ſecurity for the ſame before the ſaid goods be delivered; and in caſe it ſhall happen that no perſon ſhall appear to make his claim to all or any the goods, that ſhall be ſaved, that then and in ſuch caſe the chief officer of the cuſtoms of the neareſt port to the place, where the ſaid ſhip or veſſel was ſo in diſtreſs as aforeſaid, ſhall apply to two or more of the neareſt juſtices of the peace, who ſhall put him or ſome other reſponſible perſon in poſſeſſion of the ſaid goods; ſuch juſtices of the peace taking an account in writing of the ſaid goods, to be ſigned by ſuch officer of the cuſtoms; and if the ſaid goods ſhall not be legally claimed within the ſpace of twelve months next enſuing by the rightful owner thereof, then publick ſale ſhall be made thereof; and if any of the ſaid goods be periſhable, then ſuch periſhable goods ſhall forthwith be ſold, and after all charges deducted the reſidue of ſuch monies ariſing by ſuch ſale, with a fair and juſt account of the whole, ſhall be tranſmitted to his Majeſty's Exchequer, there to remain for the benefit of the rightful owner when appearing; who upon affidavit or other proof made of his or their right or property thereto, to the ſatisfaction of one of the barons of the court of Exchequer, ſhall upon his order receive the ſame out of the Exchequer.

On diſagreement as to ſalvage, two or more juſtices ſhall adjuſt the *quantum*,

which ſhall be binding, 17 *G.* 2. 11. *appeal.*

and firſt paid down, or ſecurity given.

If no claimant, the officer of cuſtoms or ſome reſponſible perſon to be put in poſſeſſion, on application to 2 juſtices, taking an account ſigned.

If no legal claim in 12 months, to be ſold,

If periſhable, to be ſold forthwith:

the money tranſmitted to Exchequer for owner.

Goods ſo ſaved, to pay cuſtom, 6 *G.* 1. 8. 33 *G.* 2. 10.

III. And be it alſo enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, beſides thoſe impowered by the ſaid officer of the cuſtoms, or his deputy, and the conſtables as aforeſaid, ſhall enter or endeavour to enter on board any ſuch ſhip or veſſel, ſo in diſtreſs as aforeſaid, without the leave or conſent of the commander or other ſuperior officer of the ſaid ſhip, or of the ſaid officer of the cuſtoms or his deputy, or of the ſaid conſtable, or ſome or one of them, imployed for the ſervice and preſervation of the ſaid ſhip or veſſel as aforeſaid; or in caſe any perſon ſhall moleſt him, them, or any of them, in the ſaving of the ſaid ſhip, veſſel,

Other perſons entring the ſhip without leave, or hindring the ſaving, or defacing marks of the goods,

veſſel, or goods, or ſhall endeavour to impede or hinder the ſaving of any ſuch ſhip, veſſel, or goods; or, when any ſuch goods are ſaved, ſhall take out or deface the marks of any ſuch goods, before the ſame ſhall be taken down in a book or books for that purpoſe provided by the commander or ruling officer, and the firſt officer of the cuſtoms as aforeſaid; ſuch perſon or perſons ſhall within the ſpace of twenty days make double ſatisfaction to the party grieved, at the diſcretion of the two next juſtices of the peace, or, in default thereof, ſhall by ſuch juſtices of peace be ſent to the next houſe of correction, where he ſhall continue and be imployed in hard labour by the ſpace of twelve months then next enſuing: and that it ſhall be lawful for any commander or any ſuperior officer of the ſaid ſhip or veſſel ſo in diſtreſs as aforeſaid, or for the ſaid officer of the cuſtoms, or conſtable on board the ſame ſhip or veſſel, to repel by force any ſuch perſon or perſons, as ſhall without ſuch leave or conſent from the ſaid commander or ſuperior officer, or the ſaid officer of the cuſtoms or his deputy, or ſuch conſtables as aforeſaid, preſs on board the ſaid ſhip or veſſel ſo in diſtreſs as aforeſaid, and thereby moleſt them in the preſervation of the ſaid ſhip or veſſel ſo in diſtreſs as aforeſaid.

Penalty, double ſatisfaction in 20 days, or commitment 12 months.

ſuch perſons may be repelled by force.

IV. And be it likewiſe enacted by the authority aforeſaid, That in caſe any goods ſhall be found upon any perſon or perſons, that were ſtolen or carried off from any ſuch ſhip or veſſel ſo in diſtreſs as aforeſaid, he, ſhe, or they, on whom any ſuch goods ſhall be found, ſhall immediately upon demand deliver the ſame to the owner thereof, or to ſuch perſon by ſuch owner authorized to receive the ſame, or in default thereof ſhall be liable to pay treble the value of ſuch goods, to be recovered by ſuch owner in an action at law to be brought for the ſame.

Goods ſtolen or carried off, ſhall be delivered on demand,

Penalty, treble value, in action by owner.

V. And be it moreover enacted by the authority aforeſaid, That if any perſon or perſons ſhall make or be aſſiſting in the making any hole in the bottom, ſide, or any part of any ſhip or veſſel ſo in diſtreſs as aforeſaid, or ſhall ſteal any pump belonging to any ſhip or veſſel ſo in diſtreſs as aforeſaid, or ſhall be aiding or abetting in the ſtealing ſuch pump as aforeſaid, or ſhall wilfully do any thing tending to the immediate loſs or deſtruction of ſuch ſhip or veſſel, ſuch perſon or perſons ſhall be and are hereby made and declared to be guilty of felony, without any benefit of his, her, or their clergy.

Doing any thing tending to immediate loſs of the ſhip, felony without clergy.

VI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall put forth any falſe or treacherous lanthorns, lights, or fires, with intention to ſubject any ſhip or veſſel to danger or ſhipwreck, that ſuch perſon or perſons, being thereof lawfully convict, ſhall be and are hereby made and declared

Putting forth falſe lights, felony.

A. D. 1717. Chap. 4.

clared to be guilty of felony, without any benefit of his, her, or their clergy.

General iſſue may be pleaded in ſuits on this act,

VII. And be it further enacted by the authority aforeſaid, That if any action, ſuit, or information, ſhall be commenced or proſecuted againſt any perſon or perſons for any thing he or they ſhall do, or cauſe to be done, in purſuance of this act, and executing any of the powers and authorities, or any of the orders or directions, therein mentioned, all and every perſon and perſons ſo ſued in any court whatſoever ſhall and may plead the general iſſue, and give this act and the ſpecial matter in evidence; and if in any ſuch ſuit the plaintiff or proſecutor ſhall become nonſuit, or forbear proſecution, or diſcontinue the ſuit, or if a verdict ſhall paſs againſt him, or judgment be given againſt him upon a demurrer, then in any of the ſaid caſes the defendant or defendants ſhall recover full coſts; for which he and they ſhall have the like remedy as where coſts by law are awarded. And this act ſhall be taken and allowed in all courts within this kingdom as a publick act; and all judges and juſtices are hereby required to take notice thereof as ſuch without ſpecial pleading of the ſame.

and full coſts recovered by defendants.

This a publick act.

Officer abuſing his ſaid truſt, to forfeit treble to the party, and incapable of employment in the cuſtoms.

VIII. Provided nevertheleſs, If any officer of the cuſtoms, or his deputy, ſo impowered as above, ſhall by fraud or wilful neglect abuſe the truſt ſo hereby repoſed in him as aforeſaid, and ſhall be convicted thereof in due form of law, ſuch officer or his deputy ſhall reſpectively forfeit treble damages to the party grieved, to be recovered in any action or ſuit to be brought in any court of record, and ſhall from thenceforth be fully diſabled and rendred incapable of the ſame, or any other, imployment relating to the ſaid cuſtoms.

To be read the market-day before Michaelmas yearly within 5 miles of the ſea.

IX. And be it further enacted by the authority aforeſaid, That this act, and the ſeveral clauſes herein contained, ſhall take effect from and after the twenty fifth day of December one thouſand ſeven hundred and ſeventeen, and ſhall every year publickly be read in full market, on the market-day next preceeding Michaelmas day, in the publick market-place of every market town within five miles of the ſea, by the mayor or chief magiſtrate of every ſuch market town, or ſome other perſon by him appointed; or where there is no ſuch mayor or chief magiſtrate, by the clerk of the market, or ſome other perſon by him appointed; and in default thereof ſuch mayor, chief magiſtrate, or clerk of the market, ſhall forfeit the ſum of forty ſhillings for every ſuch offence, to be recovered by civil bill by the party who ſhall firſt ſue for the ſame.

Chief magiſtrate or clerk of market neglecting, Penalty 40 s. by civil bill.

X. Provided always, and be it hereby enacted by the authority aforeſaid, That neither this act, nor any thing herein contained, ſhall any ways extend to deprive or any way prejudice his royal

Majeſty, his heirs or ſucceſſors, or any claiming under them, or any of them, or any patentee or grantee of the crown, or any lord or lords of any mannor or mannors, or other perſon whatſoever, of or in relation to any right, which they or any of them reſpectively have or ſhall have, or lawfully may claim, to any wreck or wrecks, or any goods that are or ſhall be *flotſam*, *jetſam*, or *lagan*; but that ſuch reſpective rights ſhall be enjoyed in as full, ample, and beneficial manner in every reſpect, as if this act had never been made. A. D. 1717.

Saving any right to wreck, *flotſam*, &c.

XI. Provided, That this act ſhall continue in force for the ſpace of three years, and from thence to the end of the next ſeſſion of Parliament, and no longer.

Continuance, 3 years. *further continued by* 8 G. 1. 6. *and ſeveral ſtatutes.* 11 G. 2. 9. *made perpetual.*

CHAP. V.

An Act to explain and amend an Act, intituled, An Act for the more effectual preventing of frauds committed by tenants.

WHEREAS in and by an act of Parliament made in the eleventh year of the reign of her late Majeſty Queen Anne, intituled, *An act for the more effectual preventing of frauds committed by tenants,* it is enacted, " That in all caſes between " landlord and tenant from and after the twenty fifth day of " March one thouſand ſeven hundred and twelve, as often as it " ſhall happen, that more than one half year's rent ſhall be in " arrear, and the landlord or leſſor, to whom the ſame is due, " hath right by law to re-enter for the non-payment thereof, ſuch " landlord or leſſor ſhall and may without any formal demand or " re-entry ſerve a ſummons in ejectment for the recovery of the " demiſed premiſſes; which ſummons in ejectment ſhall ſtand in " the place and ſtead of a demand and re-entry; and in caſe of " judgment againſt the caſual ejector, or nonſuit for not confeſſing " leaſe, entry, and ouſter, it ſhall be made appear to the court, " where the ſaid ſuit is depending, by affidavit, or be proved " upon the tryal, in caſe the defendant appears, that more than " half a years rent was due before the ſaid ſummons was ſerved, " and that no ſufficient diſtreſs was to be found on the demiſed " premiſſes countervailing the arrears then due; and that the " leſſor or leſſors in ejectment had power to re-enter, then and in " every ſuch caſe the leſſor or leſſors in ejectment ſhall recover " judgment and execution in the ſame manner, as if the rent in " arrear had been legally demanded, and a re-entry made:" and whereas ſeveral artifices have been made uſe of to evade and elude the deſign and intent of the ſaid act, and tenants have, by putting goods liable to diſtreſs on the lands demiſed to them, countervail-

11 *Anne* 2.

A. D. 1717. Chap. 5.

ing the rent and arrears then due, deprived the landlords of the remedy intended them by the ſaid act; and when the landlords have diſtrained the ſame, the tenants have cauſed the diſtreſs ſo taken to be reſcued: and whereas ſuch reſcues have been uſually committed by obſcure and unknown perſons, by means whereof many riots and other great diſorders have happened: for remedy whereof be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of December in the year of our Lord one thouſand ſeven hundred and ſeventeen, where any diſtreſs ſhall be taken by landlord or leſſor, having lawful authority to diſtrain, or by any perſon or perſons by ſuch landlord or leſſor impowered or authorized; if ſuch diſtreſs or any part thereof be reſcued, every perſon ſo reſcuing, being lawfully convict thereof, ſhall be committed in execution by the court, before whom ſuch conviction ſhall be had, for ſuch fine as the court ſhall think reaſonable to impoſe on ſuch offender or offenders; and in caſe the party ſo convicted ſhall not pay to the ſheriff of the county ſuch fine, as ſhall be impoſed on him for ſuch reſcue, within one month after ſuch commitment; the party ſo convicted, on default of ſuch payment, ſhall be conveyed by the ſheriff of the county to the houſe of correction, or ſome workhouſe in the ſaid county, and there detained and kept at hard labour for any time not leſs than three months, nor exceeding ſix months, according to the diſcretion of the judges or juſtices before whom ſuch offender ſhall be convicted as aforeſaid.

Reſcuers of diſtreſs on conviction committed and fined, 8 *G.* 1. 2.

if fine not paid in a month, ſent by ſheriff to the workhouſe.

II. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for ſuch landlord or landlords, leſſor or leſſors, from whom any diſtreſs ſhall be unlawfully reſcued, to bring his ejectment, and recover the ſaid premiſſes, as if no diſtreſs were to be found on the ſame; and if ſuch tenant or tenants, leſſee or leſſees, ſhall ſuffer judgment to paſs againſt the caſual ejector, for want of appearing and taking defence, or of confeſſing leaſe, entry, and ouſter, or on coming into court a verdict ſhall paſs againſt him or them on proof of the ſaid reſcue at the ſaid tryal, then if ſuch tenant or tenants, leſſee or leſſees, ſhall not pay all rent and arrear together with full coſts within ſix calendar months after judgment had and obtained; that then and in ſuch caſe the leſſee or leſſees, his or their aſſignee or aſſignees, ſhall be barred and foreclоſed from all relief in law or equity, other than by writ of error for reverſal of ſuch judgment, in caſe the ſame ſhall be erroneous, and the ſaid demiſed premiſſes diſcharged from ſuch leaſe.

Where reſcue, leſſor may bring ejectment, as if no diſtreſs.

Leſſee, not paying all rent and arrears in ſix months after judgment barred, ſave by error.

III. And

A. D. 1717. Chap. 5.

III. And whereas it hath been a frequent practice for ſub-ſheriffs and ſeneſchals of mannors to take inſufficient ſecurity on replevyns, by which means landlords have been often put to great trouble, charges, and vexation, in recovering their rents after judgment obtained in avowry: and whereas it hath been found difficult for landlords or leſſors to prove the want of ſufficient diſtreſs, by reaſon of niceties that attend ſuch proof, whereby the ſaid former act hath proved in a great meaſure ineffectual: be it therefore enacted by the authority aforeſaid, That from and after the twenty fifth day of December one thouſand ſeven hundred and ſeventeen, as often as it ſhall happen, that more than one year's rent ſhall be due and in arrear to any landlord or leſſor, though there be diſtreſs ſufficient on the land to anſwer the ſaid rent in arrear, ſuch landlord or leſſor may ſerve a ſummons in ejectment for recovery of the demiſed premiſſes; and in caſe of judgment againſt the caſual ejector, or nonſuit for not confeſſing leaſe, entry, and ouſter, if it ſhall be made appear to the court, where the ſaid ſuit is depending, by the affidavit of ſuch landlord or leſſor, his agent or receiver; or that it ſhall be made appear on the tryal, in caſe the defendant appears, that more than one year's rent was due before the ſaid ſummons was ſerved, then and in every ſuch caſe ſuch landlord or leſſor, his leſſee in ejectment, ſhall recover judgment and have execution thereon; and the jury that ſhall try ſuch cauſe, in caſe it ſhall be before a jury, and if not, the judge, before whom ſuch judgment ſhall be given, ſhall aſcertain the ſum, that ſhall be ſo due and in in arrear; and in caſe the leſſee or leſſees, his or their aſſigns, or other perſon or perſons claiming or deriving under the ſaid leaſe, ſhall permit and ſuffer judgment to be had and recovered on ſuch ejectment, and execution to be executed thereon, without paying on demand the rent ſo aſcertained as aforeſaid to be in arrear, together with full coſts, which the officer is hereby impowered to tax, or depoſiting the ſame in a court of equity on filing a bill within ſix months after execution executed; then and in ſuch caſe the ſaid leſſee or leſſees, his or their aſſignee or aſſignees, and all other perſons claiming or deriving under the ſaid leaſe, ſhall be barred and foreclоſed from all relief or remedy in law or equity, other than by writ of error for reverſal of ſuch judgment, in caſe the ſame ſhall be erroneous; and the ſaid landlord or leſſor ſhall from thenceforth hold the ſaid demiſed premiſſes diſcharged from ſuch leaſe.

Inſufficient ſecurities on replevins frequently taken.

Difficult for landlords to prove want of diſtreſs.

Where more than one year due, leſſor may bring ejectment, tho' diſtreſs ſufficient, and recover judgment, *&c.* 8 *G.* 1. 2. 5 *G.* 2. 4. 25 *G.* 2. 13.

Sum due to be aſcertained by the jury, or the judge:

If not paid on demand with full coſts, or depoſited on filing a bill in 6 months after execution executed, leſſee barred, ſave by error.

IV. Provided always, That where any bill or bills ſhall be filed in equity, on the plaintiff's depoſiting the rent ſo proved in arrear, with the coſts aforeſaid, the proceedings thereon ſhall be in the ſame manner, and ſuch relief given, as in and by the ſaid former act is directed and appointed; and if on ſuch ejectment verdict ſhall

Proceedings and relief on filing a bill, as by 11 *Anne* 2.

If verdict for defendant or non-ſuit, (except, *&c.*) full coſts.

A. D. 1717.

shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall be nonsuited therein (except for the defendant or defendants not confessing lease, entry, and ouster) then and in every such case, such defendant or defendants shall have and recover his and their full costs.

Mortgagee not in possession not barred. 8 G. 1. 2.

V. Provided always, That nothing herein contained shall extend to barr the right of any mortgagee of such lease, or any part thereof, who shall not be in possession.

Saving for infants, *feme covert, non sane mem.*

VI. Provided always, That this act shall not extend to defeat the estate, right, or title of infants, *feme covert*, or persons of *non sane* memory.

CHAP. VI.

An Act from exempting British linnen imported from all duties; and granting to his Majesty an additional duty on cordage, and for the more effectual preventing frauds and abuses in the hempen and flaxen manufactures of this kingdom, and for the further incouragement thereof.

Repealed 19 G. 2. 6.

WHEREAS by an act passed in England in the third and fourth years of the reign of her late Majesty Queen Anne, intituled, *An act to permit the exportation of Irish linnen cloth to the plantations, and to prohibit the importation of Scotch linnen into Ireland*, it was enacted, That it should be lawful to export from Ireland directly to the British plantations, all sorts of white and brown linnen cloth, being the proper manufacture of Ireland, under the restrictions and conditions in the said act mentioned, for the term of elven years; which act, by one other act passed in Great-Britain in the first year of the reign of his present Majesty King George, intituled, *An act for continuing several laws therein mentioned relating to coals, hemp, and flax, Irish and Scotch linnen, and the assize of bread; and for giving power to adjourn the quarter-sessions for the county of Anglesey, for the purposes therein mentioned*, was continued for one year, and from thence to the end of the next session of Parliament: and whereas by an act passed in the third year of the reign of his said present Majesty King George, intituled, *An act for continuing the liberty of exporting Irish linnen cloth to the British plantations in America, duty free; and for the more effectual discovery of and prosecuting such as shall unlawfully export wool and woollen manufactures from Ireland, and for relief of John Fletcher, in respect of the duty by him paid for a quantity of salt lost in the exportation for Ireland*, it is enacted, That the said recited act of the third and fourth years of Queen Anne, so far forth as the same relates to the exportation of Irish linnen cloths to the said British plantations; should be and was thereby continued in full force, so long as the merchants and other persons of Great-Britain were or should be permitted to import into Ireland, free of all duties, such white and brown British linnen cloth, as should be made and manufactured in Great-Britain: and whereas by an act passed in this kingdom in the fourteenth and fifteenth years of King Charles the second, intituled, *An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*; all British linnen cloth imported into this kingdom is subjected to an excise or duty of six shillings for every hundred ells: and whereas by an act passed in this kingdom in the said fourteenth and fifteenth years of his said late Majesty King Charles the second, intituled, *An act for settling the*

3 & 4 *Anne* 8. *Eng.*

1 G. 1. 26. *Eng.*

3 G. 1. 21. *Eng.*

14 and 15 C. 2. 8.

14 & 15 C. 2. 9.

the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into and out of the kingdom of Ireland according to a book of rates hereunto annexed, all britiſh linnen cloth imported into this kingdom were ſubjected to a further duty of ſix ſhillings for every hundred ells: be it therefore enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, that it ſhall and may be lawful to and for all merchants, and other perſon or perſons of Great-Britain, to import into this kingdom all ſuch white and brown Britiſh linnen cloth, as is or ſhall be made and manufactured in Great-Britain, free, exempted, and diſcharged of and from the ſaid duties of ſix ſhillings, and ſix ſhillings for every hundred ells, and all other duties whatſoever impoſed or ſet on the ſame by the ſaid acts, or any other act or acts of force in this kingdom, ſo long and during ſuch time as it ſhall be and continue lawful to export from this kingdom directly to the Britiſh plantations all ſorts of white and brown linnen cloths of the manufacture of this kingdom, on ſuch terms, conditions, and limitations, as in the ſaid recited act of the third and fourth years of Queen Anne are limitted and appointed, and no longer.

II. And whereas great quantities of foreign twine and cordage have of late years been imported into this kingdom, made of old ſtuff or damaged hemp; by means whereof not only the lives of many of his Majeſty's ſubjects, and the loſs of their ſhips, have been greatly endangered, but by reaſon of the cheapneſs thereof, the hempen manufacture of this kingdom has been greatly diſcouraged: be it further enacted by the authority aforeſaid, That all foreign twine or cordage (except what is of the manufacture of Great-Britain) which ſhall be imported into this kingdom from and after the twenty fifth day of December one thouſand ſeven hundred and ſeventeen, for and during the term of ſeven years next enſuing, and from thence to the end of the ſeſſion of Parliament then next following, ſhall pay to his Majeſty, his heirs and ſucceſſors, the rate or duty of five ſhillings for every hundred weight, containing five ſcore and twelve pounds of ſuch twine or cordage imported into this kingdom during the time aforeſaid, over and above all other duties payable for the ſame, to be collected and levied in the ſame manner and form as the preſent duty thereon is directed and appointed.

III. And be it further enacted by the authority aforeſaid, That the ſaid additional duty of five ſhillings for every hundred weight of ſuch foreign twine and cordage, and all money ariſing thereby, ſhall be applyed to the uſe of the hempen and flaxen manufactures of this kingdom, and to no other uſe whatſoever.

IV. And whereas great quantities of white, painted, and ſtained callicoes, ſail-cloth, canvas, hollands, cambricks, lawns, kentings, and other foreign linnen, have of late been fraudulently imported and run into this kingdom without paying the ſeveral duties impoſed thereupon, whereby the linnen manufacture of this kingdom hath been greatly diſcouraged, and the fund for ſupporting and encouraging the ſame hath been very much impaired and leſſened: for remedy whereof, be it further enacted by the authority aforeſaid, That the ſurveyor or land-waiter of every port within this kingdom, or ſuch other officer or officers as the commiſſioners of his Majeſty's revenue ſhall appoint, ſhall be and are hereby authorized and required from time to time from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſeventeen to mark and ſtain with the impreſſion of a harp and crown of a red colour, or ſeal with ſuch ſeal as the ſaid commiſſioners of the revenue ſhall from time to time direct or appoint, every piece of white, painted, or ſtained callicoes, and of all ſail-cloth, canvas, hollands, cambricks, lawns, kentings, and other foreign linnen, which ſhall be imported into this kingdom after the time aforeſaid; and to keep an entry and regiſtry thereof in a book for that purpoſe to be provided; the ſaid reſpective goods to be marked, ſtained, or ſealed, and regiſtered, in the cuſtom-houſes of the ſeveral and reſpective ports, where

A. D. 1717. Chap. 6.

they ſhall be ſo imported, without any fee or reward for ſo doing, before they be diſcharged and delivered out of the ſaid cuſtom-houſe or ware-houſe, where they ſhall be reſpectively imported and entred.

V. And be it further enacted by the authority aforeſaid, That on or before the twenty fifth day of December one thouſand ſeven hundred and ſeventeen ſuch ſurveyors, land-waiters, officer, or officers, ſhall and are hereby authorized and required to mark, ſtain, or ſeal as aforeſaid, all and every ſuch goods and merchandizes, which ſhall be then in the hands of any merchants, ſhopkeeper, retailer, or other perſon or perſons dealing in ſuch goods, or any of them, and intending to ſell the ſame; and all and every merchant, ſhopkeeper, retailer, or other perſon or perſons dealing or trading in ſuch goods, or any of them, are hereby required on or before the ſaid twenty fifth day of December one thouſand ſeven hundred and ſeventeen, to cauſe all white, painted, or ſtained callicoes, foreign ſail-cloth, canvas, hollands, cambrick, lawns, kentings, and other foreign linnen, which ſhall be in their or any of their cuſtodies or keeping, or in the cuſtody or keeping of any other perſon or perſons in truſt for him, her, or them, to be marked, ſtained, or ſealed, and regiſtred as aforeſaid, for which no fee or reward ſhall be paid or taken.

VI. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſeventeen all white, painted, or ſtained callicoes, and all foreign ſail-cloth, canvas, hollands, cambricks, lawns, kentings, and other foreign linnen, which ſhall be imported, or which ſhall be found in the cuſtody or poſſeſſion of any merchant, ſhopkeeper, or retailer, or other perſon or perſons dealing or trading in the ſaid goods, or any of them, or which ſhall be offered or expoſed to ſale, not being marked and ſtained, or ſealed in manner aforeſaid, ſhall be and are hereby declared to be forfeited, and that every ſuch merchant, ſhopkeeper, retailer, or other perſon or perſons uſually dealing or trading in the ſaid goods, or any of them, who ſhall import or have in his, her, or their poſſeſſion or cuſtody, or expoſe or offer to ſale any ſuch goods, not being marked, or ſtained, or ſealed as aforeſaid, ſhall over and above the forfeiture of ſuch goods likewiſe forfeit the ſum of twenty pounds; one moiety of all ſuch forfeitures to go to his Majeſty, his heirs and ſucceſſors, for the uſe and encouragement of the flaxen and hempen manufactures of this kingdom; and the other moiety to ſuch perſon or perſons who ſhall ſue for the ſame; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record in the King's courts Dublin, wherein no eſſoign, protection, or wager of law ſhall be allowed, and no more than one imparlance.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall alter, counterfeit, or miſapply the ſaid mark, ſtain, or ſeal, or offer or expoſe to ſale any white, painted, or ſtained callicoes, foreign ſail-cloth, canvas, hollands, cambricks, lawns, kentings, or other foreign linnen, with any falſe or counterfeit mark, ſtain, or ſeal, knowing the ſame to be falſe and counterfeit, being thereof lawfully convicted, ſhall ſtand in the pillory during the ſpace of two hours in the forenoon, and ſhall forfeit the ſum of fifty pounds to ſuch perſon or perſons, who ſhall ſue for the ſame, to be recovered in like manner as is herein before mentioned.

VIII. And whereas by an act paſſed in the ſecond year of her late Majeſty Queen Anne, intituled, *An act for the improvement of the hempen and flaxen manufactures in this kingdom*, it is enacted, "That no perſon or perſons ſhall "make uſe of any lime in the whitening or bleaching any linnen cloth or linnen "yarn under the penalty of five pounds, and forfeiture of the cloth and yarn to the "informer;" to be recovered in manner therein mentioned; which penalties have been evaded by the clandeſtine manner, in which ſuch lime is uſed, and the practice thereof ſtill continues to the great prejudice and diſcredit of the linnen manufacture: for remedy whereof, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any one or more of his Majeſty's juſtices of

2 *Anne* 4.

of the peace, or chief magiſtrate within their reſpective juriſdictions, by writing under his or their hand to ſummon the ſervant of any bleacher, or any other perſon or perſons whatſoever, to appear before him or them; and upon his or their appearance to examine him or them upon oath (which the ſaid juſtice or juſtices of the peace, or chief magiſtrate, are hereby impowered to adminiſter) what ſuch ſervants, perſon or perſons know of his or their maſter or of any other perſon or perſons uſing lime in the bleaching of linnen cloth or linnen yarn, during three months next preceding the time of ſuch examination; and in caſe ſuch ſervant, perſon or perſons, being ſo ſummoned, ſhall neglect or refuſe to appear purſuant to ſuch ſummons, ſuch juſtice or juſtices of the peace or chief magiſtrate may iſſue his or their warrant to apprehend and bring before him or them ſuch ſervant, perſon, or perſons; and, in caſe, he or they refuſe to be examined on oath to the purpoſe aforeſaid, That it ſhall and may be lawful to and for ſuch juſtice or juſtices of the peace, or chief magiſtrate, to commit ſuch offender or offenders to the houſe of correction, there to be whipt and kept at hard labour for the ſpace of thirty days, unleſs he or they do ſooner ſubmit to be examined as aforeſaid; the perſon, demanding ſuch oath to be tendred to ſuch ſervant, firſt making oath, if the ſame ſhall be required, that he believes the perſon, who he deſires to be examined on oath, knoweth and can diſcover ſome breach of this preſent act committed by his maſter, if he ſhall be obliged to take ſuch oath: nevertheleſs ſuch ſervant or perſon ſhall not forfeit or be puniſhed for any matter or thing relating to the crime for bleaching, which he ſhall on ſuch his examination diſcover.

IX. And whereas offenders in bleaching with lime do frequently conceal the cloth and yarn, ſo bleached with lime, to prevent its being ſeized: be it further enacted by the authority aforeſaid, That on proof made of the bleaching of any linnen cloth or yarn with lime before any juſtice of the peace or chief magiſtrate, if ſuch linnen cloth or yarn be withdrawn or concealed, ſo that it cannot be ſeized and delivered to the informer according to the intent of the above recited act, that it ſhall and may be lawful to and for ſuch juſtice of peace or chief magiſtrate to enquire by the oath of one or more credible witneſs or witneſſes into the value of ſuch cloth or yarn, ſo bleached with lime, and withdrawn or concealed as aforeſaid; and whatever ſum he finds the ſame amount to, ſhall iſſue his warrant, directed to any conſtable or conſtables of the ſaid county, to levy ſuch ſum by diſtreſs and ſale of the offenders goods, and pay the ſum ſo to be levyed to the proſecutor, rendering the overplus, if any be, to the owner of the ſaid goods.

X. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the itinerant man or itinerant men, appointed by the truſtees for improving the hempen and flaxen manufactures, or any other perſon or perſons appointed by the ſaid truſtees, or by any of his Majeſty's juſtices of the peace or chief magiſtrate, by writing under his or their hands, to enter into any bleach-yard, buck-houſe, or the appurtenances thereto belonging, at any hour of the day, and view and ſearch all places, rooms, kieves, and boilers therein, and view the leys, and the refuſe and dregs thereof: and in caſe any lime be found within ſuch bleach-yard or buck-houſe, or that it appears that any lime has been mixed with ſuch leys, that the tenant in poſſeſſion of ſuch bleach-yard, and all and every perſon or perſons working in the ſaid buck-houſe, ſhall incur the ſaid penalties, as are inflicted by the ſaid recited or this preſent act on perſons, that make uſe of lime in bleaching linnen cloth or yarn.

XI. And be it further enacted by the authority aforeſaid, That the conſtable or conſtables, who by virtue of any warrant from ſuch juſtice of the peace or chief magiſtrate, ſhall ſeize ſuch cloth or yarn bleached with lime, or levy the value thereof, or the penalty of five pounds in the ſaid recited act mentioned, ſhall be allowed by the proſecutor for his pains at the rate of two ſhillings the pound for what he ſhall ſo ſeize or levy: and if any conſtable or conſtables neglect or refuſe to execute ſuch warrant of any juſtice of the peace or chief magiſtrate, he or they for every ſuch offence ſhall forfeit the ſum of five pounds to ſuch proſecutor: and

A. D. 1717.

and that it ſhall be lawful for the perſon aggrieved to complain thereof to the ſame or any other juſtice of peace, who may ſummon the perſon or perſons concerned before him, and ſummarily hear and determine the ſaid complaint, and iſſue a warrant to any other conſtable or conſtables to levy the ſaid penalty of five pounds by diſtreſs and ſale of the offenders goods, rendring him the overplus, if any be.

XII. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſeventeen, no linen cloth ſhall be made and lapped up for ſale, while it is wet or damp, nor with any chalk, duſt, or flower, under the penalty of ſuch cloth being forfeited to any perſon or perſons, who ſhall ſeize the ſame and carry it before any juſtice of the peace or chief magiſtrate within their reſpective juriſdictions, who are hereby impowered to examine and finally determine the ſame.

XII. And be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December one thouſand ſeven hundred and ſeventeen no flax ſhall be ſteeped or watered in any ſmall bogg, hole, or turf-pit, wherein any bogg-oak, or firr, or the roots or chips thereof, remain; and that no flax ſhall be ſteeped or watered in any hole or pit with ſtanding water for two years ſucceſſively.

CHAP. VII.

An Act for veſting in his Majeſty, his heirs and ſucceſſors, the ſeveral lands, tenements, and hereditaments, whereon the barracks in this kingdom are built, or building or contracted for, and whereon light-houſes are or ſhall be built; and for making reaſonable ſatisfaction to the ſeveral owners and proprietors for the ſame; and likewiſe for amending an act made in the ſixth year of her late Majeſty's reign, intituled, *An act to prevent the diſorders that may happen by the marching of ſoldiers, and for providing carriages for the baggage of ſoldiers in their march.*

Continued as to the proviſions for barracks, &c. by 10 *G.* 1. 4. *and* 3 *G.* 2. 5.

11 *G.* 2. 13 *by* 29 *G.* 2. 8. *continued* 21 *years, &c. from* 24 *June* 1758. *and amended* 21 *G.* 2. 9. *as to powers to commiſſioners and enabling infants, &c. to convey. continued* 31 *G.* 2. 9. *to* 25 *March* 1768, *&c.*

Barracks and light-houſes built on lands, the intereſt wherein near expiring,

perſons diſabled to convey,

the owners inſiſt on extravagant rates,

the King's title thereby precarious.

WHEREAS ſeveral of his Majeſty's barracks and light-houſes in this kingdom are or may be built upon lands and tenements, wherein the perſons contracting or conveying the ſame were only intereſted for their reſpective lives, or for terms of years, whereby the terms for years, and other intereſts, for which the ſaid lands and tenements were firſt contracted for, are ſome of them expired, and others near expiring: and whereas ſome of the lands and tenements are the eſtate of infants, *femes covert*, eccleſiaſtical perſons, or others, who by reaſon thereof, and of eſpecial limitations in ſettlements, are diſabled to make any contracts or conveyances for the ſame: and whereas ſeveral of the owners, proprietors, and tenants of ſuch lands and tenements do inſiſt on extravagant rates, and refuſe to agree with his Majeſty for the ſaid lands and tenements without unreaſonable gain, whereby his Majeſty's title to the ſaid lands and tenements, and to the barracks and light-houſes built thereon, is become precarious, and ſubject to much controverſy: for remedy whereof, and that all juſt and reaſonable ſatisfaction may be given for the lands

and tenements, whereon the barracks are now built, or building, or contracted for, and alſo for ſuch light-houſes as are or may hereafter be built, and the yards, paſſages, ways, and other neceſſary conveniencies and appurtenances thereunto belonging; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the lord lieutenant, or other chief governor or governors of this kingdom for the time being, as often as there ſhall be occaſion for the ſame, by one or more commiſſion or commiſſions under the great ſeal of Ireland, to be executed and returned within the term of ſeven years from and after the twenty fifth of December one thouſand ſeven hundred and ſeventeen, to authorize and appoint any number of perſons to be commiſſioners to execute the powers hereby given; which ſaid commiſſioners, or any three or more of them, are hereby authorized and required to take ſurveys of, and particularly to deſcribe, aſcertain, abut, and bound the ground, whereon ſuch barracks are already built, or building, or contracted for, and ſuch light-houſes as are already built, or that ſhall be thought neceſſary to be built, on any head land or promontory, with the neceſſary and convenient yards, paſſages, ways, and appurtenances thereunto belonging, where the ſame have not heretofore been aſcertained, abutted, and bounded; and the ſaid commiſſioners, or any three or more of them, are hereby further authorized and impowered to treat and agree with the owners, and others intereſted in any ſuch lands, tenements, and hereditaments, for the abſolute purchaſe of ſuch lands, tenements, or hereditaments, or for ſuch certain yearly rents, to be paid for the ſame for ever, as they ſhall think fit and reaſonable; the ſaid purchaſe money to be paid, or the ſaid yearly rents to be paid, and payable half yearly by his Majeſty, his heirs and ſucceſſors, unto ſuch owners, proprietors, and tenants of ſuch lands, tenements, and hereditaments reſpectively, their heirs, executors, and aſſigns, according to ſuch ſales, contracts, and agreements, and according to the ſeveral and reſpective eſtates and intereſts of ſuch owners, proprietors, and tenants of the ſaid premiſſes, out of any of his Majeſty's treaſure and revenue, as is herein after enacted and appointed: and in caſe any perſon or perſons, bodies politick or corporate, eccleſiaſtical or civil, ſhall neglect or refuſe to treat or agree as aforeſaid, or through any diſability by non-age, coverture, or ſpecial limitation in any ſettlement or ſettlements, or by reaſon of any other impediment cannot, or otherwiſe howſoever refuſe to

A. D. 1717. Chap. 7.

That a juſt and reaſonable ſatisfaction may be made,

chief governors, as often as occaſion, by commiſſions returned in ſeven years from 25 December 1717, may appoint perſons to aſcertain the ground for barracks and light houſes,

3 G. 2. 5. *may aſcertain ground for hoſpitals for ſoldiers.*

And agree with the owners for abſolute purchaſe, or yearly rents for ever,

payable as hereafter;

where perſons refuſe, or diſabled, to treat, commiſſioners to iſſue warrant to ſheriff to return a jury, to inquire the true yearly value.

A. D. 1717. Chap. 7.

to diſpoſe of their reſpective intereſts in ſuch lands, tenements, or hereditaments, in every ſuch caſe the ſaid commiſſioners, or any three or more of them, are hereby authorized and required to iſſue forth their warrant or warrants to the ſheriff or ſheriffs of the reſpective counties, wherein ſuch lands, tenements, or hereditaments do lie, to impannel and return before the ſaid commiſſioners, at ſuch times and places within the ſaid county as ſhall be appointed in ſuch warrant or warrants, a ſufficient jury, who upon their oaths (which ſaid oaths the ſaid commiſſioners, or any three or more of them, are hereby impowered and required to adminiſter) ſhall enquire into the true yearly value of ſuch lands, tenements, or hereditaments, whereon the ſaid barracks are now built, or building, or contracted for, and whereon ſuch light-houſes are or may hereafter be built, according to the real yearly value of ſuch lands and tenements, for a leaſe thereof to be made to his Majeſty, his heirs and ſucceſſors for ever, and as the ſame would yield, in caſe no ſuch barracks, light-houſes, or other improvements had been made thereon by his preſent Majeſty, or their late Majeſties King William or Queen Anne, or their predeceſſors; and ſuch verdicts or inquiſitions, as ſhall be ſo found and returned by the ſaid jury, aſcertaining the rent to be paid for the ſame, as alſo all ſuch contracts and conveyances as the ſaid commiſſioners, or any three or more of them ſhall make, ſhall be returned and certified to his Majeſty in the court of Exchequer by the ſaid commiſſioners, or any three or more of them, within thirty one days next after ſuch verdict or inquiſition found, or contracts or conveyances made thereof be entred among the records of the ſaid court; which ſaid contracts or conveyances, verdicts or inquiſitions, ſhall be final and concluſive, as well to his Majeſty, his heirs and ſucceſſors, as to the ſaid ſeveral and reſpective owners, proprietors, and tenants, notwithſtanding any diſability or incapacity whatſoever.

Such verdict, and contracts and conveyances of commiſſioners, to be returned into exchequer in thirty one days,

and concluſive.

Commiſſioners to give 31 days notice in writing before iſſuing warrant,

II. And to the intent that all and every perſon or perſons may have ſufficient notice of the proceedings of the ſaid commiſſioners; be it further enacted by the authority aforeſaid, That any three or more of the ſaid commiſſioners ſhall give notice in writing thirty one days at leaſt before their iſſuing any ſuch warrant or warrants for the impannelling or returning any jury for aſcertaining and determining of the true yearly value of the ſaid lands, tenements, and hereditaments, whereon the ſaid barracks are built, building, or contracted for, or light-houſes are or ſhall be built as aforeſaid; which writing ſhall be affixed on the door of the reſpective pariſh-churches, within which the ſaid lands, tenements,

to be fixed on the church door.

tenements, and hereditaments are ſituate, and, in caſe there be no pariſh-church within the ſaid pariſh, on the door of the next pariſh-church thereunto.

III And be it further enacted, That all and ſingular the ſaid lands, tenements, and hereditaments, for which any ſuch contracts or conveyances ſhall be ſo made, or verdict or inquiſition found, according to ſuch ſurveys, and as the ſame ſhall be bounded and abutted by the ſaid commiſſioners, or any three or more of them as aforeſaid, immediately after payment of ſuch ſum and ſums of money as ſhall be agreed to be paid for the purchaſe of the ſame, or contract entred into for payment of an annual rent; as alſo from the time of ſuch verdict or inquiſition found and returned into the Exchequer, ſhall be veſted in his Majeſty, his heirs and ſucceſſors, for the uſe of the ſaid barracks and light-houſes reſpectively, unalienable from the crown, notwithſtanding any diſability or incapacity whatſoever; any law, ſtatute, or other matter or thing whatſoever, to the contrary notwithſtanding.

The lands immediately veſted in the King from ſuch time for ſaid uſes, unalienable, notwithſtanding any diſability, &c.

IV. And to the intent that the ſeveral and reſpective owners, proprietors, and tenants of all ſuch lands, tenements, and hereditaments, their ſeveral and reſpective heirs, executors, adminiſtrators, and aſſigns, may be well and truly paid the purchaſe-money, ſo contracted and agreed for by the ſaid commiſſioners, or any three or more of them, and the yearly rents agreed for, or aſſeſſed by verdict and inquiſition to be taken as aforeſaid; be it further enacted by the authority aforeſaid, That the ſaid yearly rents ſo to be contracted for, or aſſeſſed, by ſuch verdict or inquiſition as aforeſaid, ſhall be inſerted on the military liſt of the preſent and all future eſtabliſhments of his Majeſty's expence of this kingdom, according to ſuch contracts, verdicts, and inquiſitions, and paid and payable unto ſuch owners, proprietors, and tenants, their ſeveral and reſpective heirs, executors, adminiſtrators and aſſigns, according to their ſeveral and reſpective eſtates and intereſts in the ſaid ſeveral and reſpective lands, tenements, and hereditaments, without any further warrant than this act, and without any deduction, defalcation, or abatement, for or on account of pells, poundage, or other fees, charges, or deductions whatſoever; and that the treaſurer, vice-treaſurer, or receiver general of this kingdom for the time being, and all other officers and miniſters concerned, do, in caſes where the ſaid commiſſioners ſhall purchaſe ſuch lands, tenements, or herediments, pay the ſaid purchaſe-money according to ſuch contracts and agreements, or otherwiſe; and alſo pay the ſaid yearly rents according to ſuch contracts, verdicts, or inquiſitions, from time to time, yearly or half

Said yearly rents to be inſerted on the military liſt,

and payable to owners without warrant or deduction.

Treaſurer, &c. where the lands purchaſed, ſhall pay the money, or the rents as contracted for, without warrant.

A. D. 1717. Chap. 7.

half yearly, as the ſaid rent ſhall be contracted for by the ſaid commiſſioners, or any three or more of them, or according as the ſame ſhall be aſſeſſed by ſuch verdict and inquiſition as aforeſaid, unto ſuch owners, proprietors, and tenants, their ſeveral and reſpective heirs, executors, adminiſtrators, and aſſigns, in manner and form aforeſaid, without any mandate or warrant from his Majeſty, his heirs or ſucceſſors, or any other perſon, in that behalf to be had, procured, or obtained, according to the true intent and meaning of theſe preſents.

Former contracts not hereby impeached.

V. Provided always, and be it further enacted by the authority aforeſaid, That nothing herein contained ſhall any way impeach or prejudice, or be conſtrued, deemed, or taken to impeach or prejudice, any former agreements, contracts, or conveyances, heretofore at any time made for or concerning any lands, tenements, or hereditaments, whereon any barracks or light-houſes have been built, or are now building, or hereafter ſhall be built: but that during the continuance of ſuch agreements, contracts, or conveyances, the ſame ſhall continue, be, and remain in the ſame force and validity, as if this act had not been made; any thing herein contained to the contrary notwithſtanding.

6 *Anne* 14. ſo much thereof as prohibits quartering ſoldiers in Dublin, *repealed.*

VI. And whereas by an act paſſed in the ſixth year of the reign of her late Majeſty Queen Anne, intituled, *An act to prevent the diſorders that may happen by the marching of ſoldiers, and for providing carriages for the baggage of ſoldiers in their march,* it is among other things provided and enacted, "That from and "after the twenty ninth day of September one thouſand ſeven "hundred and eight all officers, ſoldiers, and troopers, ſhall be "lodged in the barracks, which were then building near the city "of Dublin, and not in any other part of the ſaid city, ſuburbs, "or liberties thereto adjoining; and that from and after the ſaid "twenty ninth day of September one thouſand ſeven hundred "and eight no ſheriff, conſtable, or other officer or perſon "whatſoever, ſhall preſume to quarter or billet any of"ficer or ſoldier, or other perſon whatſoever, in the "city of Dublin, or ſuburbs or liberties thereto ad"joining, under the penalty of forfeiting the ſum of fifty "pounds; to be recovered in any of his Majeſty's courts of re"cord, by the perſon or perſons that will ſue for the ſame;" which ſaid recited clauſe in the ſaid act hath been found very inconvenient and prejudicial to his Majeſty's ſervice; ſuch part of his Majeſty's army as are or may be neceſſary to be tranſported from Great Britain into the ſaid city, ſuburbs, and liberties, or from the ſaid city, ſuburbs, and liberties into Great Britain, being

ing thereby put to great difficulties for want of quarters upon ſuch their tranſportation or landing, and likewiſe in the time of commotion, rebellion, or inſurrection, may be ſtill further prejudicial to his Majeſty's ſervice, and the ſecurity of this kingdom: for remedy whereof, be it enacted by the authority aforeſaid, That ſo much of the ſaid act, as is herein before recited, be repealed and made void. A. D. 1717. Chap. 7.

VII. And be it further enacted by the authority aforeſaid, That ſuch part of his Majeſty's army as ſhall from time to time march into the ſaid city of Dublin, ſuburbs, or liberties thereto adjoining, in order to be from thence tranſported beyond the ſeas, or ſhall land within the ſaid city, ſuburbs, or liberties thereto adjoining, or within the harbour of Dublin, ſo as ſuch forces do not ſtay therein after landing above ſix days, as alſo during the time of any commotion, inſurrection, or rebellion within this kingdom, may be quartered within the ſaid city, ſuburbs, or liberties, in manner following: (that is to ſay) it ſhall and may be lawful to and for the lord mayor of the ſaid city for the time being within the city of Dublin and ſuburbs, and the reſpective ſeneſchals and their deputies within the ſeveral liberties thereto adjoining, upon the order of the lord lieutenant, or chief governor or governors of this kingdom for the time being, ſignifying in ſuch order the reaſon of ſuch forces marching to the ſaid city, to find and provide neceſſary quarters for ſuch officers and ſoldiers within the ſaid city, ſuburbs, and liberties thereto adjoining, during their neceſſary continuance within the ſaid city, ſuburbs, and liberties, for the purpoſes and on the emergencies aforeſaid, and none other; the ſaid officers, ſoldiers, and troopers to be quartered and billetted on the publick taverns and alehouſes in ſuch manner as ſuch officers and ſoldiers were uſually quartered and billetted before the making the ſaid act, and not otherwiſe; any thing in the ſaid act contained to the contrary notwithſtanding.

The army marching into Dublin to be tranſported, or landing (ſo as they ſtay not above ſix days after) and alſo during commotion, may be quartered in Dublin or liberties.

Lord mayor and ſeneſchals on order of chief governors ſhall provide the quarters, on publick houſes, as uſual before.

VIII. And be it further enacted by the authority aforeſaid, That the ſaid act, and all and every clauſe, matter, and thing therein contained, other than the ſaid herein before recited clauſes, ſhall be and remain in full force; any thing in this act contained to the contrary thereof notwithſtanding.

the reſt of 6 *Anne* 14. to remain in force.

CHAP. VIII.

An Act to oblige all officers to return a liſt of their fees by a day certain.

Unreaſonable and illegal fees inſiſted upon.

WHEREAS divers perſons in publick offices, under the pretence of demanding the ancient and accuſtomed fees belonging to their reſpective offices, have inſiſted on unreaſonable and illegal fees, to the oppreſſion of his Majeſty's ſubjects: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all officers, of what kind or nature ſoever they be, who take or claim any fee or reward as due to them, their deputies, or clerks, ſhall on or before the twenty fifth day of March one thouſand ſeven hundred and eighteen under their reſpective hands and ſeals, or under the hands and ſeals of their reſpective deputies, return to the clerk of the council a liſt or table of all fees, which are claimed to be due and payable to them, their deputies, or clerks, or any other perſon or perſons acting in their ſeveral offices; and alſo ſuch officers, or their reſpective deputies, ſhall after the time aforeſaid ſo return on oath, to be taken before any maſter in Chancery ordinary or extraordinary (which oath they are hereby impowered to adminiſter) a true copy under their hands of the docket or dockets, table or tables, of fees for buſineſs, to be tranſacted in their reſpective offices, if any ſuch dockets or tables are in their power or cuſtody; and that all officers or perſons concerned in any publick office, who ſhall refuſe or neglect to bring in a liſt or table of fees in the manner, and within the time, appointed by this preſent act, ſhall forfeit the ſum of five pounds, to be recovered by civil bill, by any perſon who ſhall ſue for the ſame: and in caſe any ſuch officer ſhall refuſe or neglect to return in ſuch liſt or fees as aforeſaid on or before the twenty fourth day of June next enſuing, the perſon ſo neglecting ſhall forfeit the further ſum of one hundred pounds to the perſon who ſhall ſue for the ſame; to be recovered by plaint or information in any of his Majeſty's Four courts Dublin; in which no wager of law, eſſoign, or more than one imparlance ſhall be allowed.

All officers claiming fees ſhall by 25 March 1718, return under hand and ſeal to clerk of council a liſt thereof,

and a copy, on oath before a maſter, of the dockets or tables, if in their power.

Penalty 5 l. by civil bill.

Neglecting to return the ſame by 24 June next, penalty 100 l. to proſecutor.

II. And be it further enacted by the authority aforeſaid, That all clerks of the crown and peace, and ſub-ſheriffs, ſhall in the open court, where the aſſiſes or ſeſſions are held, during the time of ſuch aſſizes or ſeſſions, and all other officers ſhall conſtantly in the uſual place or places, where ſuch office or offices is or are kept, fairly

Clerks of crown and peace and ſub-ſheriffs at aſſiſes or ſeſſions in open court, and other officers conſtantly

fairly engroſs and ſet up a duplicate of the ſaid fees, returned into the council office as aforeſaid in publick view, fairly written in a plain and common hand; and in default thereof ſhall forfeit the ſum of fifty pounds, to be recovered by bill, plaint, or information, wherein no eſſoign, or wager of law, or more than one imparlance ſhall be allowed. A. D. 1717. in the uſual place, ſhall ſet up a fair duplicate thereof, penalty 50*l.*

CHAP. IX.

An Act for reviving, continuing, and amending ſeveral ſtatutes made in this kingdom heretofore temporary.

WHEREAS in the Parliament held at Dublin the eighth day of May, in the thirteenth year of the reign of our late ſovereign lord King Charles the ſecond, and by divers prorogations held and continued to the ſeventh day of April, in the fourteenth year of his ſaid Majeſty's reign, a certain act of Parliament was made and paſſed, intituled, *An act for encouraging proteſtant ſtrangers and others to inhabit and plant in the kingdom of Ireland*; which ſaid act, as to the naturalizing the ſtrangers thereby intended to be naturalized, had continuance only for the term of ſeven years from the end of the ſaid Parliament: and whereas the ſaid law, by an act made in the fourth year of our late moſt ſovereign lord and lady King William and Queen Mary, as to all and every clauſe and clauſes thereof, was revived for and during the ſpace of ſeven years from the end of the then preſent ſeſſion of Parliament; which act, ſo far forth as the ſame concerns or relates to the encouraging of proteſtant ſtrangers, with the alterations therein mentioned, was again revived by one other act made in the ſecond year of our late ſovereign lady Queen Anne, but thereby had continuance only for and during the ſpace of five years, from the twenty fifth day of March one thouſand ſeven hundred and four, and to the end of the next ſeſſion of Parliament after the determination of the ſaid five years: and whereas the ſaid firſt mentioned act hath been found to have been of good advantage unto this your Majeſty's kingdom, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act, and all and every clauſe, article, and proviſoe therein contained, ſo far forth as the ſame concerns or relates to the encouraging proteſtant ſtrangers, other than the clauſe which exempts them from payment of exciſe, is hereby revived, and ſhall be in full force to all intents and purpoſes for ever.

14 and 15 *C.* 2. 13. ſo far as it relates to encouragement of proteſtant ſtrangers (except the exemption from exciſe) revived and made perpetual.

4 *W.* and *M.* 2.

2 *Anne* 14.

II. Provided

A. D. 1717. Chap. 9.

II. Provided always, That no perſon or perſons ſhall have the benefit of the ſaid act, until he, ſhe, or they ſhall, inſtead of the oaths of allegiance and ſupremacy mentioned in the ſaid act, take the ſeveral oaths mentioned and appointed to be taken in Ireland by an act of Parliament made in England in the third year of the reign of the late King William and Queen Mary of ever glorious memory, intituled, *An act for the abrogating the oath of ſupremacy in Ireland, and appointing other oaths*; being in the ſame form herein after mentioned: *(viz.)*

None to have benefit thereof, till, inſtead of the oaths thereby preſcribed, they take the oaths appointed by 3 *W.* and *M.* 2. *Eng.*

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful and bear true allegiance to his Majeſty King George.*

So help me God.

I A. B. *do ſwear, that I do from my heart abhor, deteſt, and abjure, as impious and heretical, that damnable doctrine and poſition, that princes excommunicated, or deprived by the Pope, or any authority of the ſee of Rome, may be depoſed or murdered by their ſubjects, or any other whatſoever. And I do declare that no foreign prince, perſon, prelate, ſtate, or potentate, hath or ought to have any juriſdiction, power, ſuperiority, preheminence, or authority, eccleſiaſtical or ſpiritual, within this realm.*

So help me God.

And ſhall make and ſubſcribe the declaration following: *(viz.)*

And the declaration and oath following.

I A. B. *do ſolemnly and ſincerely in the preſence of God profeſs, teſtify, and declare, That I do believe, that in the ſacrament of the Lord's-Supper there is not any tranſubſtantiation of the elements of bread and Wine into the body and blood of Chriſt at or after the conſecration thereof by any perſon whatſoever; and that the invocation or adoration of the Virgin Mary, or any other ſaint, and the ſacrifice of the maſs, as they are now uſed in the church of Rome, are ſuperſtitious and idolatrous. And I do ſolemnly in the preſence of God profeſs, teſtify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary ſenſe of the words read unto me, as they are commonly underſtood by Proteſtants, without any evaſion, equivocation, or mental reſervation whatſoever; and without any diſpenſation already granted me for this purpoſe by the Pope, or any other authority or perſon whatſoever, or without any hope of diſpenſation from any perſon or authority whatſoever, or without believing that I am, or can be, acquitted before God or man, or abſolved of this declaration, or any part thereof, although the Pope or any other perſon or perſons, or power whatſoever, ſhall diſpenſe with or annul the ſame, or declare that it was null and void from the beginning.*

And

And ſhall alſo take the oath following:

I A. B. *do truly and ſincerely acknowledge, profeſs, teſtify, and declare in my conſcience before God and the world, That our ſovereign lord King George is lawful and rightful King of this realm, and of all other his Majeſty's dominions and countries thereunto belonging; and I do ſolemnly and ſincerely declare, that I do believe in my conſcience, that the perſon pretended to be prince of Wales during the life of the late King James, and ſince his deceaſe pretending to be, and taking upon himſelf the ſtile and title of King, of England, by the name of James the third, or of Scotland, by the name of James the eighth, or the ſtile and title of King of Great Britain, hath not any right or title whatſoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuſe, and abjure, any allegiance or obedience to him: and I do ſwear, that I will bear faith and true allegiance to his Majeſty King George, and him will defend to the utmoſt of my power againſt all traiterous conſpiracies and attempts whatſoever, which ſhall be made againſt his perſon, crown, or dignity; and I will do my utmoſt endeavours to diſcloſe and make known to his Majeſty and his ſucceſſors, all treaſons and traiterous conſpiracies, which I ſhall know to be againſt him, or any of them: and I do faithfully promiſe to the utmoſt of my power to ſupport, maintain, and defend the ſucceſſion of the crown againſt him the ſaid James, and all other perſons whatſoever; which ſucceſſion, by an act, intituled,* An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject, is and ſtands limitted to the princeſs Sophia, electoreſs and dutcheſs dowager of Hannover, and the heirs of her body being proteſtants: *and all theſe things I do plainly and ſincerely acknowledge and ſwear according to theſe expreſs words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, mental evaſion, or ſecret reſervations whatſoever: and I do make this recognition, acknowledgment, abjuration, renunciation and promiſe, heartily, willingly, and truly, upon the true faith of a chriſtian.*

So help me God.

III. Provided always, That ſuch freedom in any city, borough, or town-corporate, ſhall not be of any uſe to any ſuch alien, ſtranger, or foreigner, nor continue longer than while he, ſhe, or they ſhall dwell or reſide in ſuch city, borough, or town-corporate; any thing in the ſaid act, or in this preſent act, to the contrary notwithſtanding. Their freedom to continue only during reſidence.

A. D. 1717. Chap. 9.

IV. And for the greater encouragement of proteſtant ſtrangers to come and reſide in this kingdom, be it enacted, That all ſuch ſtrangers, who ſhall come and ſettle in any corporation in this kingdom, ſhall be freed from all manner of corparation taxes, and from being obliged to undergo any corporation offices, that ſhall bring any expence along with them, for the term of ſeven years after their coming into and ſettling in this kingdom.

Free ſeven years, after ſettling in a corporation, from corporation taxes or expenſive offices.

V. And whereas two other acts which were made at a Parliament held at Dublin in the eighth year of our late Sovereign Lady Queen Anne, intituled, *An act to prevent delays of proceedings at the aſſizes and ſeſſions*, and the other intituled, *An act for the better preventing the counterfeiting the current coin of this kingdom*, are only temporary laws, and near expiring; but the ſaid laws, being found to be uſeful, are therefore fit to be continued and made perpetual: be it enacted by the authority aforeſaid, That the ſaid laſt mentioned acts, and all clauſes, proviſoes, and articles, in them and every of them contained, ſhall continue and remain in full force for ever.

8 *Anne* 5. and 8 *Anne* 6. *made perpetual.*

Lights.

VI. And whereas one other act made at a Parliament held at Dublin in the ninth year of our late moſt gracious Sovereign Lord King William, intituled, *An act for erecting and continuing lights in the city of Dublin, and the ſeveral liberties adjoining*, hath been found to conduce much to the ſecurity of the inhabitants thereof, by preventing murders, robberies, thefts, and other inſolencies, which great cities, not furniſhed in dark nights with publick lights, are ſubject unto: and whereas the ſeveral powers and authorities for erecting and maintaining the ſaid lights, by the ſaid act given and granted to the lord mayor, ſheriffs, commons, and citizens of the city of Dublin, and to the ſeveral lords of the reſpective liberties of Saint Sepulchre, Thomas-court, and Donore, are near expiring: be it enacted by the authority aforeſaid, That the lord mayor, ſheriffs, commons, and citizens of the city of Dublin, and their ſucceſſors, William lord archbiſhop of Dublin, and his ſucceſſors, and Chaworth earl of Meath, and his heirs and aſſignees, who ſhall be lords of the liberties of Thomas-court and Donore, ſhall have the like power and authority from time to time, during the ſpace of two years from the expiration of the ſaid act, and from thence to the end of the then next ſeſſion of Parliament, to cauſe publick lights to be erected and maintained in the ſaid city and liberties thereof, and in the ſaid reſpective liberties of St. Sepulchre, Thomas-court and Donore, as by the ſaid former act is given and granted to them.

Will. 3. 17.

The powers thereby granted ſhall continue two years from expiration of ſaid act, and to end of the then next ſeſſion.

The powers and authorities, by this act granted as to the publick lights, made void. 6 G. 1. 18.

VII. And

A. D. 1717. Chap. 9.

VII. And be it further enacted by the authority aforeſaid, That the ſaid acts, and all and every matter, clauſe and clauſes therein contained, and all and every the powers and authorities thereby given, ſhall be continued on, and ſhall be of full force, to all intents and purpoſes, from and after the expiration of the ſaid act, for and during the time aforeſaid, ſave only what relates therein to Michael Cole gentleman, his executors, adminiſtrators, and aſſignees, and ſaving ſuch alterations as are herein mentioned.

Except as to *Michael Cole*, and the alterations herein.

VIII. And be it further enacted by the authority aforeſaid, That the ſeveral perſons who ſhall be employed by the ſaid lord mayor, ſheriffs, and commons of the city of Dublin, and by the lords of the ſaid liberties, to ſet up the ſaid lights, be and are hereby liable to the ſeveral penalties, rules, and orders, as the ſaid Michael Cole, or his aſſignees, or thoſe employed by them, were by the ſaid former act liable to, or by this act are provided.

The ſeveral perſons employed to ſet up lights, liable to the penalties.

IX. Provided always, and be it further enacted by the authority aforeſaid, That the ſaid lord mayor, ſheriffs, commons, and citizens of the city of Dublin, within the city of Dublin and liberties thereof, and the ſaid lords of the ſeveral and reſpective liberties of Saint Sepulchre, Thomas-court, and Donore, within their ſeveral and reſpective precincts, ſhall cauſe the ſeveral lanthorns, which ſhall be erected by them during the time aforeſaid, to be ſufficiently maintained with good and ſufficient lights, which ſhall continue burning in every dark night yearly between the firſt day of September and the laſt day of March, to begin within an hour after ſun-ſet, and to continue burning until two of the clock in the morning, or during ſo much time thereof as ſhall not be enlightened by the moon; and the ſaid lanthorns are to be cleanſed, and lamps ſnuffed, as often as there ſhall be occaſion.

Directions as to the lights: *altered*, 6 *G.* 1. 18. 8 *G.* 1. 16.

X. And whereas ſeveral diſorderly perſons are found in the night-time breaking lanthorns or lamps, and pulling the irons out of the walls, which are fixed to hold the lanthorns or lamps on, and breaking windows and palliſadoes; which practice, being very frequent and pernicious, be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall after the twenty fifth day of December in this preſent year of our Lord one thouſand ſeven hundred and ſeventeen be found to break any lanthorns or lamps, or pull out any of the irons fixed in the walls for the ſaid lanthorns or lamps within the ſaid city, or in the ſaid ſeveral and reſpective liberties, or breaking any glaſs windows or palliſadoes; or if any perſon or perſons employed to attend the lamps ſhall imbezle or miſapply the oil or cotton delivered to him or them, and ſhall be thereof convicted by the oath

Penalty for breaking lamps, irons, windows, palliſadoes, 5 l. to informer, beſides ſatisfaction for damage. 6 *G.* 1. 18. 8 *G.* 1. 16.

A. D. 1717. Chap. 9.

bath of one or more witneſs or witneſſes before the lord mayor of the city of Dublin, or any juſtices of the peace within the city or liberties thereof, or before the ſeneſchals of the ſaid ſeveral and reſpective liberties; or before any juſtice of the peace for the county of Dublin, that then and for every ſuch offence the party ſo offending ſhall forfeit and pay to the uſe of the informer the ſum of five pounds *ſterling*, beſides and with the damage ſuſtained by any perſon or perſons, who are to be firſt paid and ſatisfied, to the value of the damage by him or them ſuffered.

XI. And be it further enacted by the authority aforeſaid, That upon neglect or refuſal of payment of the ſaid forfeiture and damages, the lord mayor or ſeneſchals, or the juſtices of the peace of the ſaid city or county of Dublin, ſhall and are hereby authorized and required to direct and ſend their warrants to the conſtables of the ſaid city or county, thereby commanding them to levy by diſtreſs and ſale of the goods of the offender the ſum ſo forfeited, for the uſes aforeſaid; and in caſe no ſufficient diſtreſs can be had, then every ſuch offender, who ſhall not forthwith pay the ſaid forfeitures and damages, ſhall be publickly whipt.

Militia. 2 G. 1. 9. *continued two years.* *further continued by* 12 G. 1. 6. 3 G. 2. 7. 23 G. 2. 8. &c. *and ſo far as not altered by* 19 G. 2. 9, *further continued ten years, &c. by* 29 G. 2. 8.

XII. And whereas one other act made in this kingdom the laſt ſeſſion of this preſent Parliament, intituled, *An act to make the militia of this kingdom more uſeful*, has continuance only until the twenty fourth day of June, which ſhall be in the year one thouſand ſeven hundred and eighteen, and no longer: and whereas it is greatly neceſſary for the ſecurity of this kingdom, that ſo uſeful a law ſhould be continued; be it enacted by the authority aforeſaid, That the ſaid act, and all and every clauſe and clauſes therein contained, ſhall be continued on, and be of full force to all intents and purpoſes, for and during two years, from the ſaid twenty fourth day of June one thouſand ſeven hundred and eighteen, and no longer.

Robbers, &c. 9 *Wil.* 3. 9.

XIII. And whereas by an act paſt in the ninth year of the reign of his late Majeſty King William, intituled, *An act to ſupply the defects and for the better execution of an act paſſed this preſent ſeſſion of Parliament*, intituled, *An act for the better ſuppreſſing tories and rapparees, and for preventing robberies, burglaries, and other heinous crimes*, it is enacted, "That if any perſon or "perſons, who already have or hereafter ſhall commit any rob- "bery or burglary, ſhall, while he is at large, and before he ſhall "be apprehended or in cuſtody for ſuch offence, make diſcovery "of any two or more of ſuch robbers, tories, or rapparees, be- "ing alſo at large and not in cuſtody, ſo as ſuch two or more "robbers, tories, or rapparees, ſhall thereupon be apprehended "and convicted for ſuch offence, or ſhall kill any two or more "of ſuch tories or robbers, as ſhall be indicted and proclaimed,

" acccording to the ſtatute made *for the better ſuppreſſing tories,* A. D.
" *robbers, and rapparees; and for preventing robberies, burgla-* 1717.
" *ries, and other heinous crimes:* the ſaid tories, robbers, and rap- Chap. 9.
" parees, being out on their keeping at the time of ſuch their
" being killed; the perſon or perſons ſo making ſuch diſcovery,
" or killing ſuch robbers or tories as aforeſaid, ſhall not be pro-
" ceeded againſt for any robbery or burglary by him or them
" committed before the making ſuch diſcovery or ſuch killing as
" aforeſaid, but ſhall be intituled unto, and ſhall have and receive
" his Majeſty's gracious pardon for the ſame;" which ſaid clauſe has been found ineffectual, in as much as ſuch tories, robbers, and rapparees, upon the diſcovery, apprehending, and convicting, or upon the killing of any one of their number, are thereby ſo alarmed and put upon their keeping, that it hath been found impracticable for ſuch perſon or perſons to diſcover and apprehend, or kill, any more of them, whereby they are diſcouraged from diſcovering and apprehending or killing any one ſuch tory, robber, or rapparee, not being according to the ſaid act intituled to his Majeſty's pardon for the ſame: for remedy whereof be it enacted, That if any perſon, who already hath or hereafter ſhall commit any robbery or burglary, ſhall, while he is at large, or before he is apprehended or in cuſtody for ſuch offence, make diſcovery of any one or more of ſuch robbers, tories, or rapparees, being alſo at large and not in cuſtody, ſo as ſuch one or more robber, tory, or rapparee, ſhall thereupon be apprehended and convicted for ſuch offence, or ſhall kill any one or more of ſuch tories or robbers, who ſhall be indicted and proclaimed according to the ſaid former act, and ſhall be out on their keeping at the time of ſuch their being killed, ſuch one perſon, ſo making ſuch diſcovery, apprehending, and convicting, or killing any one or more of ſuch robbers or tories as aforeſaid, ſhall not be called in queſtion, or proceeded againſt, for any robbery or burglary by him committed before making ſuch diſcovery, apprehending, and convicting, or ſuch killing as aforeſaid, but ſhall be intituled unto, and ſhall have and receive, his Majeſty's gracious pardon for the ſame; which pardon ſhall in ſuch caſe alſo be a good bar to any appeal to be brought for ſuch robbery or burglary.

Robbers at large diſcovering, convicting, or killing one or more, pardoned.

Continued 12 *G.* 1. 6. *and* 9 *G.* 2. 6. *and for* 21 *years by* 29 *G.* 2. 8.

A. D. 1717.

CHAP. X.

An act for limiting certain times within which writs of error ſhall be brought for the reverſing fines and common recoveries.

10 and 11 *Will.* 3. 14. *Eng.*

WHEREAS fines and common recoveries are the principal aſſurances of mens eſtates and titles, and poſſeſſions depend thereupon, and are protected and ſecured thereby; which nevertheleſs are reverſable at any time without reſtraint or limitation for any error or defect, which happens therein by the ignorance or careleſsneſs of clerks, and ſometimes by unavoidable accidents: for the remedy whereof, and for the quieting mens titles and poſſeſſions under ancient fines and recoveries, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame,

Error to reverſe fine or recovery muſt be in ten years.

That no fine or common recovery levied or ſuffered before the twenty fifth day of December, which was in the year one thouſand ſeven hundred and twelve, ſhall from and after the twenty fifth day of December in the year of our Lord one thouſand ſeven hundred and ſeventeen be reverſed or avoided for any error or defect therein, unleſs the writ of error, or ſuit for the reverſing ſuch fine or recovery, ſhall have been or ſhall be commenced, or brought and proſecuted with effect, before the end of five years after the twenty fifth day of December one thouſand ſeven hundred and ſeventeen, nor any fine or recovery, levied or ſuffered ſince the ſaid twenty fifth day of December one thouſand ſeven hundred and twelve, or hereafter to be levied or ſuffered, ſhall be reverſed or avoided for any error or defect therein, unleſs ſuch writ of error, or ſuit for reverſing ſuch fine or recovery, be commenced or brought, and proſecuted with effect, within ten years after ſuch fine levied, or recovery ſuffered.

Saving for perſons diſabled, if done in five years afterwards.

II. Provided always, That if any perſon, who is or ſhall be intituled to any ſuch writ of error as aforeſaid, ſhall at the time of ſuch title accrued be within the age of twenty one years, or covert, *non compos mentis*, impriſoned, or beyond the ſeas, that then ſuch perſon, his or her heirs, executors, or adminiſtrators, notwithſtanding the ſaid ſeveral terms of five or ten years expired, ſhall and may bring his, her, or their writ of error, for the reverſing any ſuch fine or recovery as he, ſhe, or they might have done, in caſe this act had not been made; ſo as the ſame be done within five years after his or her full age, diſcoverture, coming of ſound mind, enlargement out of priſon, or returning from beyond the ſeas, or death, but not afterwards, or otherwiſe.

CHAP.

A. D. 1717.

CHAP. XI.

An Act for the better amendment of the pavements, and more effectual cleanſing the ſtreets of the city of Dublin, and for removing encroachments and nuſances, that are or ſhall be erected therein; and preventing miſchiefs occaſioned by drivers of carts, drays, or cars riding thereon, and for regulating the ſelling of hay in the city of Dublin and liberties thereunto adjoining.

WHEREAS the publick pavements in the city and ſuburbs of the city of Dublin, and liberties thereunto adjoining, are in many places of the ſaid city very much out of repair, and in ſeveral places raiſed to ſuch a height, eſpecially before the new buildings, that carriages, coaches, or horſes, cannot with ſafety paſs over the ſame: and whereas many encroachments are made on the ſtreets of the ſaid city and liberties by making the doors and ſtairs to cellars into the ſaid ſtreets, to the great danger of the inhabitants; and great quantities of coal-aſhes, dirt, and other filth of late have been and are daily thrown into the ſtreets, lanes, and alleys of the ſaid city and liberties thereunto adjoining, to the great annoyance of your Majeſty's ſubjects, and by reaſon of the rain-water being conveyed in ſpouts from the tops of houſes, 'tis found very inconvenient for paſſengers to walk the ſtreets: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the lord mayor, with one of the ſheriffs and two of the aldermen of the ſaid city for the time being, to be nominated by the lord mayor from time, to time as there ſhall be occaſion, within the ſaid city and ſuburbs, and for the reſpective ſeneſchals of the ſeveral liberties thereunto adjoined, with three of the jury of the leet within the ſaid liberties reſpectively, to be nominated by the reſpective ſeneſchals of the liberties, to cauſe, order, and direct the levelling, new paving, raiſing, and mending the publick pavements within the ſaid city of Dublin, and ſuburbs thereof, and liberties thereunto adjoining, by giving notice in writing to the chief tenant inhabiting or dwelling in the ſaid houſe, or in caſe the ſaid houſe be waſte, or the ground unbuilt, to the owner or other perſon intereſted therein, before whoſe houſe, tenements, or ground, ſuch pavements ſhall be thought neceſſary to be levelled, new paved, raiſed, or mended, that every chief tenant inhabiting or dwelling in ſuch houſe, and the

6 G. 1. 15.
3 G. 2. 13.

Lord mayor with one ſheriff and two aldermen, and ſeneſchals with three of the leet, may direct the mending, &c. the pavements, by notice in writing to the chief tenant, or if the houſe waſte, &c. to the owner.

6 G. 1. 15.
3 G. 2. 13.

lord mayor and ſeneſchals may act without ſuch concurrence.

A. D. 1717. Chap. 11.

the owners, or other perſons intereſted in ſuch waſte houſes or ground unbuilt, ſhall within fifteen days take up, raiſe, or lower, and amend ſuch pavement, in ſuch manner, and according to ſuch dimenſions, as the ſaid lord mayor, with one of the ſheriffs and two of the aldermen of the ſaid city to be appointed by the lord mayor, within the city of Dublin and ſuburbs thereof, and the reſpective ſeneſchals of the ſeveral liberties thereunto adjoining, with three of the jury of the leet within the ſaid liberties reſpectively, to be nominated as aforeſaid, ſhall direct and appoint by ſuch their order in writing. Provided always, That no perſon ſhall be obliged to extend his pavement further than the extent of his houſe or ground along the ſtreet or lane, to which the ſame adjoins, or beyond the middle of ſuch ſtreet or lane (except upon the keys, where the dwellers or owners of houſes or ground adjoining to the ſtreet, are obliged to pave to the wall erected for keeping out the water:) and in caſe ſuch chief tenant inhabiting or dwelling in ſuch houſe, or the owner or other perſon intereſted in any waſte houſe or ground unbuilt, ſhall neglect or refuſe to repair, amend, and make ſuch pavement, in ſuch manner as ſhall be directed as aforeſaid, by the ſpace of forty days after ſuch notice, that then it ſhall and may be lawful to and for the ſaid lord mayor, with one of the ſheriffs, and two of the aldermen within the ſaid city and ſuburbs, and for the reſpective ſeneſchals of the ſeveral liberties thereunto adjoining, with three of the jury of the leet within the ſaid liberties reſpectively, to be nominated as aforeſaid, to employ and ſet pavers to digg up, amend, and finiſh ſuch pavements, according to ſuch regulation as the lord mayor, with one of the ſheriffs and two of the aldermen of the ſaid city within the ſaid city and ſuburbs, and the reſpective ſeneſchals of the ſeveral liberties thereunto adjoining, with three of the jury of the leet, within the ſaid liberties, to be nominated as aforeſaid reſpectively, on view of ſuch pavements ſhall find neceſſary, and thereupon ſhall oblige ſuch chief tenant ſo inhabiting or dwelling in ſuch houſe, and the owner or other perſon intereſted in ſuch waſte houſes and ground unbuilt, to pay the uſual and reaſonable price for paving, altering, and amending ſuch pavements, by iſſuing a warrant to levy the ſame by diſtreſs, and cauſing ſo much of the offenders goods to be ſold as ſhall pay for ſuch amendment, alteration, and making good ſuch pavement, ſo as the ſame ſhall not in the whole exceed twenty ſhillings at any one time on any chief tenant inhabiting and dwelling as aforeſaid, or on the owner or perſon intereſted in any waſte houſe or ground unbuilt, rendring the overplus to the owner.

To be done in 15 days after notice.

None obliged to extend pavement further than his houſe or ground or middle of the ſtreet: except on the quays.

If neglected 40 days (*by* 6 G. 1. 15. *altered to* 14 *days.*) lord mayor, &c. may employ pavers, and oblige ſaid perſons to pay uſual prices by diſtreſs, &c. not exceeding 20 s.

II. And

A. D. 1717. Chap. 11.

And may remove encroachments or nuſances of cellar-doors or ſtairs,

II. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord mayor, with one of the ſheriffs, and two of the aldermen of the ſaid city for the time being, within the ſaid city and ſuburbs, and for the reſpective ſeneſchals of the ſeveral liberties thereunto adjoining, with three of the jury of the leet, within the ſaid liberties, to be nominated as aforeſaid reſpectively, to remove all encroachments or nuſances in making doors and ſtairs to cellars into the ſaid ſtreets or lanes, by cauſing all ſuch doors, ſtairs, and paſſages, that are or ſhall be encroachments or nuſances leading down to any cellar or cellars in ſuch ſtreets or lanes, to be altered and ſet back, by making the head ways of ſuch cellars into the houſe, yard, or ſhop over ſuch cellar, inſtead of coming in thereto from the ſaid ſtreet or lane; and in caſe any chief tenant, inhabiting or dwelling in ſuch cellar or cellars, or the owner of ſuch houſe or ſhop, under which the ſaid cellar is, ſhall refuſe to conform to ſuch regulation within forty days after notice thereof given to him or them by the ſaid lord mayor within the ſaid city and ſuburbs, or by the reſpective ſeneſchals of the ſeveral liberties thereunto adjoining within the ſaid liberties reſpectively, that then and in ſuch caſe it ſhall and may be lawful for the ſaid lord mayor, with one of the ſheriffs and two of the aldermen of the ſaid city for the time being within the ſaid city and ſuburbs, and for the reſpective ſeneſchals of the ſeveral liberties thereunto adjoining with three of the jury of the leet within the ſaid liberties as aforeſaid reſpectively, to imploy workmen, and cauſe ſuch alterations to be made in the doors and ſtairs of ſuch cellars, and to compel the chief tenant inhabiting or dwelling therein to pay the charge of making ſuch alterations by diſtreſs and ſale of the offenders goods as aforeſaid.

if not altered in forty days after notice, may employ workmen at tenants charge as aforeſaid.

Such orders may be removed by *certiorari* into *B. R.* where final.

6 *G.* 1. 15. *appeal to ſeſſions.*

III. Provided always, That if any perſon or perſons ſhall apprehend him, her, or themſelves, to be aggrieved by any ſuch orders or directions of the ſaid lord mayor, ſheriff, and aldermen, or of the ſaid ſeneſchals and three of the jury of the leet within the ſaid liberties reſpectively, he, ſhe, or they, may thereupon remove the ſaid orders made by the lord mayor, ſheriff, and two aldermen for the city and ſuburbs of Dublin, and by the reſpective ſeneſchals and three of the leet for the reſpective liberties therein, by writ of *certiorari* into his Majeſty's court of Kings-bench; which court is hereby impowered to hear, and after examination of witneſſes finally to determine the ſame; whoſe determination therein ſhall be concluſive to all parties, and not reverſable for any error therein contained.

A. D. 1717. Chap. 11.

IV. And for preventing coal-aſhes, dung, dirt, and other filth, from being thrown into the publick ſtreets, lanes, and alleys of this city and ſuburbs, and liberties thereunto adjoining, and for the more effectual cleanſing and keeping the ſame clean: be it enacted by the authority aforeſaid, That no perſon or perſons whatſoever ſhall throw, caſt, or lay, or cauſe, permit, or ſuffer to be thrown, caſt, or laid, any coal-aſhes, duſt, dirt, rubbiſh, dung, or other filth or annoyance in any open ſtreet, lane, or alley, within the ſaid city and ſuburbs, or liberties thereunto adjoining, before his, her, or their own dwelling houſe or houſes, ſtables, buildings, or walls, or before the dwelling houſe or houſes, ſtables, or walls, of any other perſon inhabitants of the ſaid city, or before or againſt the walls of churches or church-yards, or other publick buildings, or in any other publick place or places within the ſaid city and ſuburbs, or liberties thereunto adjoining; and if any perſon ſhall be convicted of any of the offences before mentioned before the lord mayor of the city of Dublin, or one or more juſtice or juſtices of the peace of the city, or of the county, where the offence is committed, or the ſeneſchals within their reſpective liberties, by the oath of one or more credible witneſs or witneſſes, every ſuch offender ſhall for every ſuch offence forfeit the ſum of five ſhillings.

Laying aſhes, dirt, &c. in ſtreets, before publick buildings, &c. *or on waſte parts* 6 G. 1. 15.

Penalty 5 s.

V. And be it further enacted, That all and every perſon or perſons inhabiting within any ſtreet, lane, or alley, within the city of Dublin, and ſuburbs thereof, and liberties thereunto adjoining, ſhall, before the hour of nine in the morning on the ſeveral and reſpective days whereon the ſcavenger or other perſon, deputed for that purpoſe, ſhall be appointed by the lord mayor and ſeneſchals within the ſaid city and liberties reſpectively to carry away the dirt and filth from ſuch ſtreet, lane, or alley, ſweep and cleanſe, or cauſe to be ſwept and cleanſed, before their reſpective houſes, buildings, and walls, and the walls of churches and church-yards, or other publick buildings, to the end the dirt and ſoil of the ſaid ſtreets may be ready for the ſcavenger to carry away the ſame, upon pain to forfeit for every offence or neglect the ſum of one ſhilling, the ſaid offence to be heard and determined as aforeſaid; and the ſcavengers of the ſaid city and ſuburbs, and liberties thereunto adjoining, ſhall two days in every week, to be appointed by the lord mayor or ſeneſchals of liberties reſpectively, carry away the dirt, ſoil, and filth, out of all and every the ſtreets and lanes of the ſaid city, ſuburbs, and liberties, upon pain of forfeiting five ſhillings for every default, to be deducted out of the pay or wages of ſuch ſcavenger.

Inhabitants before nine in the morning ſhall ſweep before their houſes and walls, and publick buildings, for the ſcavengers,

Penalty 1 s.

Scavengers two days every week ſhall carry away the dirt,

Penalty 5 s. out of their wages.

VI. And

VI. And be it further enacted by the authority aforeſaid, That the miniſter church-wardens and pariſhioners of the ſeveral pariſhes within the ſaid city and ſuburbs, and liberties thereunto adjoining, in their reſpective veſtries yearly, and every year, on the firſt day of January, ſhall and are hereby required to appoint one or more perſon or perſons in each pariſh, to take care of the publick pavements before the church and church-yard of ſuch pariſh, who from time to time, as there ſhall be occaſion, at the charge of the ſaid pariſh, ſhall cauſe the ſaid pavements to be new paved, raiſed, levelled, or mended, and to be ſwept and kept clean, in ſuch manner as the inhabitants of the ſaid city, ſuburbs, and liberties, before their reſpective dwellings are obliged to do, and ſhall alſo carry or cauſe to be carried away all aſhes, rubbiſh, or other filth or annoyance, which ſhall be caſt or laid before ſuch church and church-yard, which perſon or perſons ſo appointed ſhall be liable to and ſuffer the like penalties and forfeitures for every the before mentioned offences or neglects done, committed, or ſuffered to be done, before any church or church-yard: all and ſingular the aforeſaid penalties and forfeitures to be levied by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal of the lord mayor, or juſtice or juſtices of the peace, or ſeneſchals as aforeſaid; one moiety to the informer, and the other moiety to the poor of the pariſh, where the offence ſhall be committed; and in caſe of inability to pay the ſame, the offender ſhall be ſent to the houſe of correction for any time not exceeding the ſpace of twenty four hours.

Miniſter, church-wardens, &c. in veſtry 1ſt. January yearly ſhall appoint perſons to take care of pavement before the church, &c. ſweep and carry away the rubbiſh, under like penalties.

Penalties levied by diſtreſs, to informer and the poor,

in default, to the houſe of correction 24 hours.

VII. Provided, That nothing herein contained ſhall be conſtrued to extend to ſuch perſon or perſons, who in repairing or building any houſe or houſes ſhall throw out any dirt or rubbiſh, ſo as ſuch perſon or perſons, in forty eight hours after ſuch dirt or rubbiſh ſhall be caſt into the ſaid ſtreets or lanes, do cauſe the ſame to be removed and carried away.

Not to extend to throwing rubbiſh in repairing or building, if removed in 48 hours.

VIII. And whereas ſeveral perſons for their own private lucre do lay great quantities of dung, muck, mooring, and other ſorts of manure in the ſtreets, lanes, or publick high ways within the city of Dublin, and the ſuburbs and liberties thereof, to the annoyance of the inhabitants, and to the great damage and impairing of the ſaid high ways: be it enacted by the authority aforeſaid, That it ſhall and may be lawful for any perſon or perſons after the twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and eighteen, to take and carry away with carts, cars, or other conveyance, all or any ſuch dung, muck, mooring, and other manure, as they ſhall find laid in any ſuch high way, ſtreet, or lane, and the ſame to apply to their own

Any one may take to his own uſe manure laid in the ſtreets, &c.

A. D. 1717. Chap. 11.

own uſe; and in caſe any ſuit or action ſhall be commenced againſt any perſon or perſons whatſoever for and upon account of the taking away any ſuch dung, muck, mooring, or other manure as aforeſaid, the defendant ſhall plead the general iſſue, and give the ſpecial matter in evidence; and if verdict ſhall go for the defendant, or if the plaintiff ſhall become non ſuit, the defendant ſhall have and recover his treble coſts; any law, cuſtom, or uſage to the contrary in any wiſe notwithſtanding.

and if ſued, may plead general iſſue, and recover treble coſts.

IX. And for preventing the rain-water being conveyed in ſpouts from the tops of houſes into the publick ſtreets, be it enacted by the authority aforeſaid, That from and after the twenty ninth day of September one thouſand ſeven hundred and eighteen, the water from the tops of all houſes already built, or hereafter to be built, within the ſaid city and ſuburbs, and liberties thereunto adjoining, and fronting, or that ſhall front, upon any the ſtreets, lanes, alleys, or paſſages within the ſaid city or liberties thereof, ſhall be carried and conveyed unto or near the ground by pipes or trunks, to be brought down on the ſides or fronts, or ends of the ſaid houſes, at the expence of the reſpective landlords thereof, where the leaſe in being is for a ſhorter continuance than ſeven years: but where the leaſe is for a longer continuance, the ſame ſhall be done at the expence of the tenant: and in caſe after the ſaid twenty ninth day of September one thouſand ſeven hundred and eighteen, any houſe or houſes fronting, or that ſhall front, upon any of the ſtreets, lanes, or alleys, ſhall be found with ſuch projecting ſpout or ſpouts, the perſon inhabiting or owning as aforeſaid ſuch houſe or houſes ſhall forfeit the ſum of ten ſhillings for each and every month the ſame ſhall continue; the ſaid money to be recovered as aforeſaid, and to be levied by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal of the lord mayor, or juſtice or juſtices of the peace, or ſeneſchals as aforeſaid; one moiety of the ſaid penalty to go to the informer, and the other moiety to the poor of the pariſh where the offence ſhall be committed.

Water from houſe tops not to be conveyed by projecting ſpouts, but by trunks down the ſides, &c.

at land lords expence, where leaſe under 7 years, of tenant, where longer.

Penalty 10 s. *per* month,

to poor and informer.

X. And whereas it is often neceſſary that the ſtreets and lanes of this city and ſuburbs, and liberties thereunto adjoining, ſhould be laid open in order to cleanſe or amend the common ſhores, and to lay foundations for the erecting and building walls or houſes, and to lay pipes for the conveying water to the dwelling-houſes and out-houſes of the ſeveral inhabitants thereof, whereby holes are made in ſuch ſtreets or lanes to the great danger of the inhabitants: in order to prevent the falling of paſſengers, coaches, carts, or carriages, in the night time into ſuch holes, be it further enacted by the authority aforeſaid, That from and after the twenty

Holes made in the ſtreets for pipes, &c. ſhall be railed in before night,

twenty fifth day of March one thouſand ſeven hundred and eighteen, when ever the ſaid ſtreets and lanes ſhall be laid open, and any hole made therein, every perſon making or cauſing ſuch hole to be made ſhall and is hereby directed and required before nightfall to rail in the ſame, and to place or hang on the ſaid rails one or more lanthorn or lanthorns with candles burning therein; which candles ſhall be lighted every night within half an hour after the ſetting of the ſun, and ſhall continue burning until day light, during all ſuch time as the ſaid ſtreet or lane ſhall be laid open; and in caſe ſuch ſaid perſon ſhall neglect or refuſe to rail in ſuch ground, and place on ſuch rails ſuch lanthorn or lanthorns with candles therein at the hours and in the manner aforeſaid; he, ſhe, or they, ſhall forfeit the ſum of five pounds for each default, to be recovered in manner as the penalties herein before mentioned are recoverable, and to be applied, one moiety to the uſe of the informer, the other moiety to the uſe of the poor of the pariſh where the ſaid offence ſhall be committed.

A. D. 1717. Chap. 11.

With lanthorns from half an hour after ſun ſet till day light;

penalty 5l. as aforeſaid. 3 G. 2. 13. *where ſewers open.*

XI. And whereas through the negligence of carters, dray-men, and carr-men, riding upon their carts, drays, and carrs, in the ſtreets of the city of Dublin and ſuburbs thereof, and liberties thereunto adjoining, aged and other perſons and children are frequently maimed, wounded, and killed: for preventing ſuch miſchiefs for the future, be it enacted by the authority aforeſaid, That if any carter, dray-men, carr-men, or other perſons driving any cart, dray, or carr (except Rings-end cars) in or through any the ſtreets or lanes aforeſaid, ſhall after the twenty fifth day of December one thouſand ſeven hundred and ſeventeen ride upon ſuch cart, dray, or carr, (except Rings-end carrs) not having ſome other perſon or perſons on foot to guide or conduct the ſame, every ſuch offender being thereof convicted before the lord mayor of the city of Dublin, or one or more juſtice or juſtices of the peace for the city or county, where the offence is committed, and ſeneſchals aforeſaid within their reſpective liberties, or juſtices of the peace reſiding in ſuch reſpective liberties, by the oath of one or more credible witneſs or witneſſes, ſhall for every ſuch offence forfeit the ſum of ten ſhillings; to be levied by diſtreſs and ſale of the offenders goods, or of the cart, dray, or carr, whereon the ſaid offender rides, by warrant under the hand and ſeal of the ſaid lord mayor, or juſtice or juſtices of the peace, or ſeneſchals, rendring the overplus to the owner; one moiety to the informer, and the other moiety to the poor of the pariſh where the offence ſhall be committed; or be ſent to the houſe of correction, there to be kept at hard labour for any time not exceeding two days, or be publickly whipt through the ſtreets of Dublin, at the diſcretion

Carters, dray or carr-men (except Rings-End) riding thereon thro' the ſtreets without a guide on foot,

penalty 10s. as aforeſaid

or houſe of correction 2 days, or whipt;

A. D. 1717. Chap. 11.

diſcretion of the ſaid lord mayor, juſtice or juſtices of the peace, or ſeneſchals.

7 G. 2. 15. 11 G. 2. 11. 25 G. 2. 15. 31 G. 2. 9.

Carr-load of hay offered to ſale in Dublin as full ſhall be 400 weight, 112 lb. *per* 100,

XII. And whereas great abuſes and deceits are committed by farmers, carters, carmen, and others, who bring hay to ſell within the city of Dublin, and liberties thereof, and within the liberties of Saint Sepulchre, Thomas Court, and Donore, the loads of ſuch hay being of leſs weight than they ought, or are pretended or declared to be between the buyer and ſeller thereof; be it therefore enacted by the authority aforeſaid, That every carr-load of hay bought, brought, or offered to be ſold as a full carr-load of hay in any place after the firſt day of May one thouſand ſeven hundred and eighteen, within the city of Dublin, or liberties thereof, or within the liberties of Saint Sepulchre, Thomas-court, or Donore, ſhall contain and be full four hundred weight, each hundred containing five ſcore and twelve pounds; and if any carr-load of hay after the ſaid firſt day of May one thouſand ſeven hundred and eighteen ſhall be bought, brought, or offered to be ſold as a full carr-load of hay within the ſaid city or places aforeſaid, that ſhall be of leſs weight than as aforeſaid, the perſon or perſons aforeſaid ſo ſelling, bringing, or offering ſuch hay to be ſold, ſhall forfeit every ſuch load of hay, that is not of the weight aforeſaid, and alſo the ſum of two ſhillings and ſix pence *ſterl.* and that the lord mayor of the ſaid city of Dublin, and the juſtices of the peace thereof, and every of them, and the reſpective ſeneſchals of the ſaid liberties of Saint Sepulchre, Thomas-court, and Donore, and all juſtices of the peace for the county of Dublin, within their ſeveral limits reſpectively, ſhall have power and authority upon his or their own knowledge or view, or confeſſion of the party, or proof of one credible witneſs upon oath before him or them, or any of them, which oath the ſaid lord mayor, ſeneſchal, or juſtice of the peace is hereby impowered to adminiſter, to convict any perſon of the offence aforeſaid, whereby ſuch perſon or perſons ſo convict ſhall incur the penalty and forfeiture aforeſaid; one moiety whereof ſhall be diſpoſed of and employed for the relief of the poor of the pariſh or place, where the offence ſhall be committed or done, to be paid to the church-wardens, or overſeers of the poor of the ſame for that uſe, and the other moiety thereof to him, her, or them, that ſhall diſcover or proſecute the ſame, in caſe the ſaid conviction be by diſcovery and proſecution; and if the conviction ſhall be by the view or knowledge of the ſaid lord mayor, ſeneſchals, or juſtices of the peace, or any one or more of them, then one half of the penalty ſhall be diſpoſed of to the relief of the poor as aforeſaid, and the other moiety to go to, and be employed for and towards paving and

on pain of forfeiture and of 2 s. 6 d.

to the poor and proſecutor,

if by view of lord mayor, &c. a moiety to repairs of high ways.

and repairing of the high ways within the county and ſuburbs of the city of Dublin, and the liberties aforeſaid; and if the ſaid ſum ſo forfeited be not paid on demand, the ſame ſhall be levied by diſtreſs and ſale of the goods and chattles of the offender, by warrant under the hand and ſeal of the ſaid lord mayor, ſeneſchals, or juſtices of the peace of the place, where the offence was done, or where the offender dwells, rendring the ſurpluſage to the owner. A. D. 1717.

XIII. And be it further enacted by the authority aforeſaid, That if any of the perſons aforeſaid ſhall mix any dirt, ſtones, or gravel, or wet their hay, or uſe any other fraud or deceit to make any carr-load of hay to be of the weight preſcribed by this act as aforeſaid, that ſuch perſon, being thereof convict in manner aforeſaid, ſhall forfeit and incur the like forfeitures and penalties, as if the ſaid carr-load of hay was not of the weight by this act directed and appointed: and that if any action, ſuit, or information, ſhall be commenced or proſecuted againſt any perſon or perſons for any thing, that he or they ſhall do or cauſe to be done in purſuance of this act, and executing any of the powers or authorities, or for executing any of the orders or directions therein mentioned, all and every perſon and perſons ſo ſued in any court whatſoever ſhall and may plead the general iſſue, and give this act and the ſpecial matter in evidence; and if in ſuch ſuit the plaintiff or proſecutor ſhall become nonſuit, or diſcontinue the ſuit, or if a verdict ſhall paſs againſt him, then in any of the ſaid caſes the defendant or defendants ſhall recover double coſts; for which he ſhall have the like remedy, as where coſts by law are awarded.

Like penalty if any deceit uſed to make it of ſuch weight.

Perſons ſued for acting may plead general iſſue, have double coſts, &c.

CHAP. XII.

An act for repealing part of a clauſe in an act made in the ſecond year of his Majeſty's reign, by which the dimenſions of butter caſks are aſcertained, and for explaining and further amending the law in relation to butter caſks.

8 *G.* 1. 7.
10 *G.* 1. 9.
12 *G.* 1. 5.
13 *G.* 2. 12.
21 *G.* 2. 7.

WHEREAS by an act of Parliament paſſed in this kingdom in the ſecond year of his Majeſty's reign, intituled, *An act for the more effectual amendment of the law, in relation to butter and tallow caſks, and of an act for planting and preſerving timber-trees and woods, and of another act for prohibiting butchers from being graziers, and to redreſs ſeveral abuſes in buying and ſelling of cattle, and in the ſlaughtering and packing of beef, tallow, and hides,* it is among other things enacted, "That from

Recital of 2 *G.* 1. 16. *Sec.* 2.

" and

A. D. 1717. Chap. 12.

" and after the twenty fourth day of June in the year of our " Lord one thouſand ſeven hundred and ſeventeen, no buttercaſk " ſhall be made, or butter expoſed to ſale in any caſk, but ſuch " as are of the gages and dimenſions following: (viz.) the firkin " containing half a hundred weight of butter at the head and " bottom of the caſk, to be of the breadth of ten inches and a " half, at the bung eleven inches and a half, and the length " within the croze ſixteen inches, and to contain ſeven gallons; " the caſk containing one hundred at the head and bottom to be " thirteen inches and a half, at the bung fourteen inches and a " half, the length within the croze nineteen inches and a half, " and to contain fourteen gallons, and no more; the caſk contain- " ing one hundred and a half at the head and bottom to be of " the breadth of fourteen inches and a half, at the bung ſixteen " inches and a half, the length within the croze twenty inches " and a half, and to contain twenty one gallons, and no more; " and the caſk containing two hundred weight at the head and " bottom to be of the breadth of ſixteen inches and a half, at " the bung eighteen inches and a half, the length within " the croze twenty four inches and a half, to contain twenty " eight gallons, and no more:" and whereas it is found that the aforeſaid dimenſions of the butter caſks are not ſufficient to contain the quantity of butter limited by the ſaid act to be packed therein; and to be alſo impracticable to confine the ſeveral coopers of this kingdom to the making of butter caſks of one and the ſame gage and dimenſions; and that if the dimenſions of the ſaid caſks be allowed to be larger or ſmaller, than the dimenſions required by the before recited act, or to contain a greater or leſſer quantity of butter, provided the ſaid caſks in every other reſpects be according to the regulations of the ſaid act, the trade of this kingdom in butter will be thereby in no ſort prejudiced, but rather encouraged, and greater quantities exported: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this Parliament aſſembled, and by the authority of the ſame, That ſo much of the ſaid act as is before recited, and all pains and penalties by the ſaid act impoſed for not obſerving of the ſaid dimenſions, and every clauſe or clauſes relating thereto, be and are hereby declared to be repealed, null, and void, to all intents and purpoſes, as if the ſame had never been made; any thing in the ſaid act, or any other law or ſtatute to the contrary notwithſtanding.

So much of ſaid act, and the penalties for not obſerving the dimenſions of butter casks repealed.

II. And

II. And whereas by the ſaid recited act it is alſo among other things enacted, "That from and after the twenty fourth day of "June, which was in the year of our Lord one thouſand ſeven "hundred and ſixteen, no perſon or perſons whatſoever ſhould "ſell or expoſe to ſale any caſk of butter, whereon the tare of ſuch "caſk ſhould not be fairly burnt with a branding iron on the ſide "and bottom of ſuch caſk, at which tare the merchant or buyer "thereof ſhould be obliged to take the ſame:" and it is alſo thereby further enacted, "That if any merchant or buyer ſhould "for his own lucre and gain endeavour to oblige the perſon who "expoſed the ſaid butter to ſale, to make any greater allowance, "than the tare marked on the caſk as aforeſaid, ſuch buyer or "buyers, notwithſtanding any contract with the ſeller, being "thereof convicted before the next juſtice of the peace of the "county, city, or town, where ſuch butter ſhould be expoſed to "ſale, by the oath or oaths of one or more credible witneſs or "witneſſes, other than the party or parties concerned in the ſale "of ſuch butter; which oath or oaths the ſaid juſtice of the "peace was thereby required to adminiſter, ſhall forfeit the ſum "of ten pounds, to be levied by diſtreſs and ſale of the goods of "the party offending." Notwithſtanding which divers merchants, and others trading in butter, continue to buy from the country people fraudulent and deceitful caſks, and brand upon them ſuch tare, as they think fit, and refuſe to ſell the ſaid caſks of butter to any merchant-exporter, but ſuch as will take the ſame according to the former cuſtom of twenty *per cent.* tare, and oblige himſelf not to take advantage of the ſaid act as to the tare; by means whereof, and for want of ſome penalty being inflicted on the ſeller as well as buyer, the whole deſign of the ſaid act is eluded, to the great diſcouragement of the trade of this kingdom: for remedy whereof, be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and eighteen all and every perſon or perſons, who ſhall either buy or ſell any caſk or caſks of butter at any greater or leſſer tare, or ſhall give or take any greater allowance, than the tare branded on ſuch caſk or caſks, ſuch buyer or buyers, ſeller or ſellers, notwithſtanding any contract between them, being thereof convicted before the next juſtice of the peace for the county, city, or town, where ſuch butter ſhall be expoſed to ſale, by the oath or oaths of one or more credible witneſs or witneſſes, which oath or oaths the ſaid juſtice of the peace is hereby impowered and required to adminiſter, ſhall forfeit the ſum of ten pounds, to be levied by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal of ſuch juſtice of the peace.

A. D. 1717. Chap. 12.

2 G. 1. 16. Sec. 1.

2 G. 1. 16. Sec. 1.

Buyer or ſeller of butter caſks at a greater or leſs tare. or giving or taking greater allowance than the tare branded, penalty 10l. notwithſtanding any contract.

A D. 1717. Chap. 12.

III. And for the more effectual preventing ſuch frauds for the future, be it further enacted by the authority aforeſaid, That ſuch juſtice or juſtices of the peace may, if they ſee cauſe, oblige and compel ſuch buyer or buyers, ſeller or ſellers, of butter, to make oath, whether the ſaid butter was bought *bona fide* at the tare branded on the ſaid caſks, and whether any and what allowance was given for the ſame: and in caſe of refuſal ſo to do, the party or parties ſo refuſing ſhall forfeit the ſum of ten pounds: the aforeſaid ſeveral penalties to be recovered, levied, and diſpoſed of in the ſame manner, as the penalty againſt the buyer by the aforerecited act is recoverable.

Juſtice of peace may compel buyer or ſeller to make oath,

Penalty on refuſal 10*l.*

ſaid penalties levied, &c. as penalty againſt buyer by ſaid act.

IV. And be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December one thouſand ſeven hundred and ſeventeen, where any caſk or caſks of butter ſhall be ſeized by any perſon or perſons, for being expoſed to ſale contrary to this and the ſaid former act, if no perſon or perſons ſhall within one and twenty days after ſuch ſeizure appear before the juſtice of the peace, to whom complaint is made of the ſaid caſk or caſks of butter being expoſed to ſale contrary to this or the ſaid former act, that then and in ſuch caſe the ſaid juſtice of the peace ſhall and is hereby required to diſpoſe of ſuch caſk or caſks of butter, and to levy all and ſingular the penalties in ſuch manner, as by this or the ſaid former act are directed and appointed, rendring the overplus to the owner or proprietor, when demanded.

Caſks ſeiſed, if no perſon in 21 days appear before the juſtice, may be diſpoſed of.

Penalties levied.

Overplus to owner, when demanded.

V. And whereas by the ſaid recited act it is further enacted, "That in all cities and towns corporate the chief magiſtrates of "ſuch cities and towns, and the grand juries in all counties of "cities, and counties of towns, and the ſeneſchals and grand ju-"ries in their reſpective mannors, ſhall have full power and au-"thority to inſpect into the quality of all butter brought to ſuch "city, town, or mannor, for ſale; and if any caſk or caſks of "butter be found packed contrary to the ſaid act, that ſuch caſk "or caſks of butter ſhall be ſeized by ſuch chief magiſtrate or ſe-"neſchal, and grand jury, and be liable to the ſeveral penalties "and forfeitures in the ſaid act mentioned:" and whereas ſeveral merchants and others trading in butter do frequently buy butter contrary to the directions and regulations of the ſaid act, and make their bargains ſo ſecretly, that it cannot be proved that the ſaid butter was expoſed to ſale, thereby evading the ſaid act, and do ſhip off ſuch butter to the great detriment of the trade of the kingdom: for remedy whereof be it enacted by the authority aforeſaid, That the ſaid chief magiſtrate, ſeneſchals, and grand juries within their reſpective juriſdictions, ſhall have full power and authority to inſpect not only into the quality of all butter brought to ſuch city, town, or mannor for ſale, but alſo ſuch as ſhall be brought

2 *G.* 1. 16. *Sect.* 4.

Magiſtrates and grand juries may not only inſpect butter brought for ſale, but alſo for tranſportation,

brought thither, and intended for tranſportation; and if any caſk or caſks of ſuch butter ſhall be found packed contrary to the directions and regulations of this and the ſaid former act, ſuch caſk and caſks of butter ſhall be ſeized by ſuch chief magiſtrate, ſeneſchal, or grand juries reſpectively, and be liable to the ſeveral penalties and forfeitures in this and the ſaid recited act mentioned, to be recovered and diſpoſed of as the other penalties in this and the ſaid recited act are recoverable. A. D. 1717. and ſeiſe, &c. if packed contrary.

CHAP. XIII.

An act for explaining and amending an act of Parliament made in the ninth year of his late Majeſty King William, intituled, *An act for the preventing frivolous and vexatious law ſuits; and giving remedy to the parties grieved to recover their coſts at law in certain caſes, where heretofore no coſts were given.*

WHEREAS by an act paſſed in the ninth year of the reign of his late Majeſty King William of glorious memory, intituled, *An act for the preventing frivolous and vexatious law ſuits; and giving remedy to the parties grieved, to recover their coſts at law in certain caſes, where heretofore no coſts were given,* it is amongſt other things therein enacted, " That if any perſon or " perſons ſhall after the firſt day of May, in the year of our Lord " one thouſand ſix hundred and ninety eight, ſue forth any writ " or writs of *ſcire facias*, or commence any ſuit or ſuits in prohi- " bition, and recover, and have judgment in the ſame, either by " verdict, or upon demurrer, every ſuch plaintiff or plaintiffs ſo re- " covering ſhall likewiſe have and recover his and their coſts of " ſuit in ſuch action or actions at the diſcretion of the juſtices, " before whom ſuch recovery ſhall be ſo had; and if it ſhall hap- " pen in any the ſuits aforeſaid, that the plaintiff or plaintiffs in " ſuch action or actions ſhall become nonſuit, or verdict or ver- " dicts paſs againſt him or them in ſuch ſuit or action, or he or " they ſhall diſcontinue ſuch his or their ſuit or action; then and " in all ſuch caſes the defendant or defendants in ſuch action or " actions ſhall have and recover his and their coſts of ſuit, in " ſuch manner as ſuch plaintiff or plaintiffs ſhould have done, if " he or they had recovered and had judgment given for them in " ſuch action or actions as aforeſaid:" and whereas doubt hath been made upon the words in the ſaid recited clauſe in the ſaid act, whether the defendant or defendants in any the ſuits aforeſaid, having judgment given for him or them upon demurrer, ſhall have and recover his and their coſts of ſuit, in ſuch manner as ſuch plaintiff or plaintiffs ſhould have done: for explanation whereof

Recital of *Will.* 3. 10.

Doubt thereupon.

A. D. 1717.

whereof be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That in all ſuch actions or ſuits, which are now commenced, or which ſhall hereafter be commenced, againſt any defendant or defendants, where judgment ſhall upon demurrer paſs againſt the plaintiff or plaintiffs in ſuch action or ſuits, the defendant or defendants, in ſuch action or actions ſhall have and recover his or their coſts of ſuit in ſuch manner, as ſuch plaintiff or plaintiffs ſhould have done, if he or they had recovered, and had judgment given for them in ſuch action or actions as aforeſaid; any law, cuſtom, practice, or uſage, to the contrary thereof in any wiſe notwithſtanding.

Where judgment on demurrer againſt plaintiff, defendants ſhall have coſts, as plaintiffs ſhould if judgment for them.

CHAP. XIV.

An act for ſettling the quarter parts upon the parochial clergy of the dioceſs of Tuam; and for empowering the lord archbiſhop of Tuam to ſet leaſes of part of his demeſne lands: as alſo for confirming a charitable foundation in the city of Cork.

Portions of tithe (called *quarta pars*) enjoyed by archbiſhop of Tuam; whereby, and by impropriations the clergy have not competent maintenance;

WHEREAS certain portions of tithe, commonly known by the name of the *quarta pars*, and ariſing out of many or moſt of the pariſhes within the united dioceſs of Tuam and Enaghdoen, have of old been and are ſtill enjoyed by the archbiſhop of Tuam, by reaſon whereof, and of the many impropriations within the ſaid united dioceſſes, there has not hitherto been a competent maintenance for ſuch a number of parochial clergy, as may be any way ſufficient for diſcharging the ſeveral cures within the ſaid united dioceſſes: for remedy therefore hereof, and for the better promoting the ſervice of God and true religion within the ſaid united dioceſſes, and alſo in purſuance of an agreement, generally ſuppoſed to have been made between the government of this kingdom and the lord archbiſhop of Tuam before the rebellion in one thouſand ſix hundred forty one, of which there remains very probable evidence: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the lord archbiſhop of Tuam, and his ſucceſſors, be for ever diveſted of all and ſingular the ſaid *quarta pars*, and every parcel and member thereof.

probable evidence of agreement with the archbiſhop before 1641.

In purſuance thereof ſaid archbiſhop for ever diveſted of ſaid *quarta pars*:

II. And for the better application of the ſaid *quarta pars* to the immediate ſervice of the reſpective cures, for which the ſame is and ought to be deſigned, be it enacted by the authority aforeſaid,

deſigned for immediate ſervice of cures.

ſaid, That where one incumbent within the ſaid united dioceſſes is intituled to and poſſeſſed of more benefices than one, it ſhall and may be lawful for the ſaid archbiſhop and his ſucceſſors to accept of a reſignation of ſome one or more of the ſaid benefices, and in lieu thereof to ſettle upon the ſaid incumbent and his ſucceſſors ſo much of the ſaid *quarta pars*, as ariſes out of the remaining part of his ſaid benefices, which continue unreſigned; and in caſe that ſuch incumbent ſhall not agree to ſuch a reſignation, as by the ſaid archbiſhop or his ſucceſſors ſhall be thought reaſonable, then it ſhall and may be lawful to and for the ſaid archbiſhop and his ſucceſſors by an inſtrument under his or their archiepiſcopal ſeal to give and diſpoſe of ſo much of the ſaid *quarta pars*, as ariſes out of the ſeveral benefices of the ſaid incumbent during his ſaid incumbency, unto any lawfully ordained prieſt or prieſts of the church of Ireland as by law eſtabliſhed: provided that every ſuch prieſt, during his enjoyment of ſuch his reſpective proportion of the ſaid *quarta pars*, ſhall be reſident upon or near ſome one of the benefices, out of which the ſaid proportion of the ſaid *quarta pars* does ariſe, and ſhall give ſuch aſſiſtance unto the ſaid incumbent in the diſcharge of the cure of the ſaid benefices, as the ſaid archbiſhop or his ſucceſſors, with the conſent of ſuch incumbent, ſhall order or appoint; and from and after the determination of the incumbency of ſuch incumbent, then and from thenceforth the proportion of the ſaid *quarta pars*, ariſing out of his ſaid benefices, ſhall for ever be united unto, and deemed as part of, each benefice reſpectively, out of which the ſame does ariſe.

Where one incumbent hath more benefices than one, archbiſhop may accept a reſignation of ſome, and in lieu ſettle on him ſo much of the *quarta pars* as ariſe out of remainder, and if incumbent agrees not, may give the *quarta pars* to any prieſt reſident near, who ſhall aſſiſt in diſcharge of the cure,

after determination of incumbency, the *quarta pars* united to each benefice reſpectively.

III. And where any incumbent within the ſaid united dioceſs has no more than one benefice, be it enacted by the authority aforeſaid, That the proportion of the ſaid *quarta pars*, which ariſes out of ſuch benefice, ſhall from this time forth be united unto and deemed as part of the ſaid benefice.

So where incumbent has only one benefice.

IV. Provided always, That where one incumbent enjoys the rectorial, and another the vicarial, or other part of any pariſh, ſuch proportion of the ſaid *quarta pars*, as ariſes out of the ſaid pariſh, ſhall always, under the conditions in this preſent act contained, paſs and be reckoned to belong unto him, who by law is obliged to diſcharge the immediate cure of the ſaid pariſh; and wherever the rectory and vicarage of any pariſh are both impropriate or appropriate, that ſuch *quarta pars* ſhall be added to the maintenance of ſuch licenſed curate, as ſhall actually ſerve the cure of the ſaid pariſh.

The *quarta pars* to him who diſcharges the immediate cure.

V. And whereas ſome part or proportion of the ſaid *quarta pars* ariſes out of certain pariſhes, which are appropriated unto the collegiate church of St. Nicholas, otherwiſe called the King's College,

The *quarta pars* of pariſhes appropriated to collegiate church of St. Nicholas,

A. D. 1717. Chap. 14.

College, in the town of Gallway; be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid archbiſhop and his ſucceſſors from time to time, in the manner above mentioned, to give and diſpoſe of ſuch part and proportion of the ſaid *quarta pars*, as ſo ariſes out of the ſaid appropriated pariſhes, unto any lawfully ordained prieſt or prieſts as aforeſaid, for life; provided that every ſuch prieſt, during his enjoyment of the ſame, ſhall be reſident upon or near ſome one of the ſaid pariſhes unto the ſaid collegiate church appropriated, and give ſuch aſſiſtance in the diſcharge of the cure unto the warden and vicars of the ſaid collegiate church belonging, as the ſaid lord archbiſhop or his ſucceſſors, with the conſent of the ſaid warden, ſhall order and appoint.

Galway, to be diſpoſed from time to time to any prieſt for life, reſident near, and aſſiſting the cure.

Not to extend to corroborate any charter of incorporation of ſaid church.

VI. Provided, That nothing in this act contained ſhall extend, or be conſtrued to extend, to corroborate or any ways to confirm any charter of incorporation of the ſaid collegiate church, or any grant in any ſuch charter contained; but that all ſuch charters and grants ſhall be and remain of like force and effect in law, and no other, as if this preſent act had not been made; any thing herein contained to the contrary in any wiſe notwithſtanding.

Every ſuch prieſt or curate ſhall take the oaths, &c.

VII. Provided always, That every ſuch prieſt or licenſed curate, to whom any part of the *quarta pars* above mentioned ſhall at any time be given, ſhall take ſuch oaths, and make ſuch declarations and ſubſcriptions, as by the laws and canons of this church and kingdom he is or would be obliged to upon his inſtitution to any eccleſiaſtical benefice.

Archbiſhop of Tuam may in three years, by ſurvey ſet out and incloſe 250 acres or more of the demeſne,

VIII. And whereas the quantity of demeſne land belonging to the archbiſhoprick of Tuam, being upwards of five hundred plantation acres, is greater than what the ſaid archbiſhop or his ſucceſſors will have occaſion to keep in his or their own hands, whereby it comes to paſs, that great part of the ſame, for want of being ſet for a term of years, is likely for ever to remain unimproved, and to yield but a ſmall rent to the ſaid archbiſhop and his ſucceſſors: be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid archbiſhop and his ſucceſſors, within three years from the paſſing of this act, by ſurvey to ſet out the number of two hundred and fifty acres or more of the ſaid demeſne land, plantation meaſure, and the ſame to encloſe for himſelf and his ſucceſſors; of which two hundred and fifty acres, or more, ſo to be incloſed by ſuch ſurvey, a map ſhall be made and lodged in the ſaid archbiſhop's regiſtry; which ſaid two hundred and fifty acres, or more, ſhall always from thenceforth be eſteemed to be the demeſne belonging to the archbiſhoprick of Tuam; and the ſame being ſo done,

a map to be lodged in his regiſtry,

the ſame to be the demeſne,

that

that it ſhall and may be lawful to and for the ſaid archbiſhop of Tuam and his ſucceſſors to demiſe the remaining part of the ſaid demeſne lands in the ſame manner, as by law he is impowered to demiſe other lands to the ſaid archbiſhoprick belonging.

and may demiſe the remainder, as the other lands,

IX. Provided always, That at leaſt three fourths of the full yearly value, at the peril of the tenant or reſpective tenants of ſuch remaining part of the ſaid demeſne lands, as worth at the time of ſuch demiſe, be always reſerved to the ſaid archbiſhop and his ſucceſſors upon every ſuch demiſe; and that the ſaid value mey be tried or aſcertained at any time in like manner, as by law is already provided for the tryal of the half value of other lands to any archbiſhoprick or biſhoprick belonging; and in caſe that upon ſuch trial it be found, that the ſaid remaining part of the ſaid demeſne land, or any part thereof, is demiſed at leſs than the value aforeſaid, every ſuch demiſe ſhall be accounted altogether null and void.

reſerving 3 fourths of yearly value as at time of demiſe, at peril of tenant; otherwiſe void:

ſaid value to be tried as the half value of other lands of biſhops. 10 & 11 *C.* 1. 3.

X. And whereas ſeveral well diſpoſed perſons have, with the conſent of the miniſter and church wardens of the pariſh of St. Mary's Shandon in the north ſuburbs of the city of Cork, erected two ſchools called, The Green Coat Hoſpital of the ſaid pariſh of St. Mary's Shandon, in which hoſpital one hundred poor children of both ſexes are already placed and educated in the principles of the proteſtant religion eſtabliſhed by law in this kingdom, and have alſo built a houſe, with ſuitable accommodations, for the uſe of one maſter and one miſtreſs for the purpoſes aforeſaid, with a convenient library, as alſo a decent alms-houſe for eighteen poor decayed houſe-keepers of the ſaid pariſh, which ſeveral buildings, with the ground belonging thereto, contain in length from north to ſouth one hundred and twenty foot, and in breadth from eaſt to weſt one hundred foot, bounded on the eaſt with a row of elm-trees, on the north with a ſtone-quarry, on the weſt with a row of lime-trees, and on the ſouth with another row of lime-trees, that front the ſaid buildings, which ſaid piece or parcel of ground does now belong to the ſaid miniſter of the ſaid pariſh in right of the ſaid church, and was entirely uſeleſs until employed in the ſaid buildings: now to the intent and purpoſe that the ſaid piece of ground may for ever hereafter be applied to the ſaid pious and charitable uſes, be it enacted by the authority aforeſaid, That the ſaid piece or parcel of ground, with all the buildings which now are, or at any time hereafter ſhall be, erected thereon, ſhall be and are hereby veſted and ſettled in and upon the right honourable Robert earl of Kildare and James earl of Barrymore, patrons of the ſaid church, and their heirs; the right reverend Peter lord biſhop of Cork, and his ſucceſſors lords biſhops of Cork for the time being; the mayor

Truſtees for the *Green Coat* hoſpital in the pariſh of *Shandon* in *Cork*, appointed and incorporated,

A. D. 1717. Chap. 14.

mayor of Cork, and his ſucceſſors mayors of Cork for the time being; the honourable St. John Broderick eſquire, Sir Standiſh Hartſtonge baronet, Francis Edwards of London eſquire, John Rogerſon eſquire, the honourable brigadier general Robert Sterne, Edward Hoar, and Edmund Knapp eſquires, members of Parliament for the city of Cork, colonel Robert Rogers, captain James Maule, Philip Croſts eſquire, John Mead eſquire, Edward Brown eſquire, doctor George Rogers, Mr. Abraham Morris, the reverend Mr. Richard Baldwin, Mr. John Hawkins, Mr. John Carleton, Mr. Daniel Pearſe, Mr. Edward Webber, Mr. William Maſters, Mr. Daniel Threſher, and their heirs, and the miniſter and church-wardens of the ſaid pariſh, and their ſucceſſors for the time being, to the intent and purpoſe, and upon this ſpecial truſt and confidence, that the ſaid piece or parcel of ground, and the building thereon, ſhall for ever hereafter be applyed to and diſpoſed of to the pious and charitable uſes aforeſaid; and that the ſaid ſeveral perſons, their reſpective heirs and ſucceſſors, are hereby created and erected into a body politick or corporate to that intent only, by the name of truſtees for the Green Coat Hoſpital, in the pariſh of Shandon in the city of Cork.

Any five may meet, on notice to the miniſter, and direct diſburſement of moneys for uſes of ſaid hoſpital,

XI. And be it further enacted by the authority aforeſaid, That the above named perſons, their reſpective heirs and ſucceſſors, or any five or more of them, being met together in the library of the ſaid hoſpital, the miniſter of the ſaid pariſh for the time being having notice of ſuch meeting, ſhall have full power to direct the diſburſement of all ſuch monies, as ſhall from time to time be given and received towards the educating and maintaining the ſaid children, and placing them out apprentices, and paying the reſpective ſalaries to the ſaid maſter and miſtreſs, and towards the ſupport of the ſaid eighteen poor decayed houſe-keepers, and keeping the ſaid buildings in ſufficient repair, and other neceſſary uſes of the ſaid hoſpital; and that the ſaid truſtees conſtituted by virtue of this act, or any five of them, as aforeſaid, may be enabled to add and elect from time to time ſuch other truſtees, as they ſhall ſee convenient; and that the perſons ſo elected ſhall have like intereſt, power, and authority, as is hereby veſted in the perſons above named.

and may eject other truſtees.

This a publick act.

XII. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed and taken in all courts and places, and by all and every perſon and perſons, as a publick act of Parliament; and that no fees ſhall be paid or taken by any perſon or perſons for paſſing the ſame: ſaving and reſerving to the King's moſt excellent Majeſty, his heirs and ſucceſſors, and all and every other perſon and perſons whatſoever, bodies politick

No fees to be paid.

Right of others ſaved.

tick and corporate, other than and except the archbiſhop of Tuam, and his ſucceſſors, and other than and except the rector or miniſter of the ſaid pariſh of St. Mary Shandon, and his ſucceſſors, all their reſpective right, title, intereſt, claim, and demand, which they or any of them have or may have of, into, or out of the ſaid five hundred acres of land, and the land and building ſo ſettled for the ſaid charity. A. D. 1717.

CHAP. XV.

An Act for the better regulating the town of Gallway, and for the ſtrengthening the proteſtant intereſt therein.

WHEREAS the proteſtant intereſt and ſecurity of your Majeſty's province of Connaught in this your kingdom very much depend upon the fidelity and loyalty of the inhabitants of the town of Gallway, a garriſon, and a ſea port of great conſequence, and upon the good affection of the magiſtrates thereof to your ſacred perſon and government, and the ſucceſſion in your royal houſe, and the due execution of the laws now in force againſt papiſts: notwithſtanding which for ſeveral years paſt there hath been a deſign formed and carried on in the town of Gallway by the magiſtrates and governing part of the ſaid corporation, to ſupport a popiſh and diſcourage the proteſtant intereſt within the ſaid town; in purſuance of which deſign, nunneries and other places of refuge and ſhelter for regular and ſecular prieſts, fryers, and other offenders againſt the ſeveral laws in force in this kingdom, have been ſuffered, connived at, and encouraged within the ſaid town and county of the town of Gallway, contrary to law: and whereas in further purſuance of the ſaid evil deſign great numbers of papiſts by the notorious neglect of the magiſtrates have been, and ſtill are, permitted to inhabit in the ſaid town contrary to law; whereby and by reaſon of ſeveral other diſcouragements to the proteſtant intereſt in the ſaid town, and of ſuch proteſtants as do or would reſide therein a ſufficient number of proteſtant freeholders cannot be found in the ſaid county of the town of Gallway, to try offenders againſt the ſeveral acts made in this kingdom, now in force againſt papiſts, whereby great numbers of popiſh prieſts, fryers, and dignitaries of the church of Rome, frequently land from foreign parts, contrary to law, within the ſaid town and liberties thereof, and therein through the connivance of the juſtices of the peace of the county of the ſaid town are ſheltered from juſtice, and find protection therein, and from thence find opportunities to diſperſe them-

Importance of the town of Galway,

Proteſtant intereſt diſcouraged there,

and friars, &c. ſheltered,

popiſh inhabitants,

Want of proteſtant freeholders for trial of offences by papiſts.

A. D. 1717. Chap. 15.

themſelves into all other parts of this kingdom: and whereas by the charters of Gallway the mayor and recorder for the time being, and in their abſence their reſpective deputies, are the only juſtices of the peace within the county of the ſaid town, who have been principal inſtruments in obſtructing the execution of the laws againſt popery, and have confederated themſelves with many perſons popiſhly affected within the ſaid town, and divers other enemies to the proteſtant intereſt, who are foreigners to the ſaid town, to form a common council to carry on the ſaid evil deſigns, by illegally excluding certain common council-men of the ſaid town, who had been duly elected, admitted, and ſworn into and of the ſaid common council, from acting or voting therein, and thereby, having procured to themſelves a majority in the ſaid common council, have for ſeveral years paſt arbitrarily and illegally admitted into the ſame divers perſons diſaffected to your Majeſty and the proteſtant intereſt, and perſons returned to the government and privy council of this kingdom, and by them diſapproved purſuant to the New Rules for regulating the ſaid corporation, and many foreigners to the ſaid town; by means whereof, and other evil practices, the ſecurity of the ſaid town and garriſon is greatly endangered, and the reſidence of proteſtants therein diſcouraged, prevented, and rendered unſafe, juſtice is obſtructed, many criminals are protected contrary to law, and great grievances and miſchiefs are occaſioned to the proteſtant intereſt thereof: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of December in the year of our Lord one thouſand ſeven hundred and ſeventeen it ſhall and may be lawful for the ſheriffs of the town, and county of the ſaid town, of Gallway to iſſue their ſummons to any proteſtant freeholder, having forty ſhillings a year in the county of Gallway, to attend and ſerve on any grand jury or petty jury for the trial of iſſues, depending in the ſaid county of the town of Gallway, in any plea of the crown, whether capital or not, within the county of the ſaid town of Gallway: and ſuch freeholders ſhall be and are hereby qualified and capable, and are herby required to ſerve upon any ſuch jury as aforeſaid within the county of the ſaid town; and ſuch verdict, as ſhall be given, ſhall be and is hereby declared to be as effectual and valid in law to all intents and purpoſes, as if the iſſue had been tryed by the freeholders of the county of the town of Gallway; any law, uſage, or cuſtom to the contrary notwithſtanding: and that it ſhall and may be lawful to and for the ſheriffs of the county of the ſaid town on every *venire facias, diſtringas,*

Mayor and recorder, or their deputies, the only juſtices, by charter,

confederate with papiſts to form a common council, &c.

admitting foreigners, and perſons diſaffected and diſapproved of purſuant to the New Rules.

Proteſtant freeholders of 40 s. a year in the county of Galway may be ſummoned on juries in the county of the town, in pleas of the crown,

and their verdict as effectual,

to be ſummoned in ſuch manner, under ſuch penalties,

ſtringas, habeas corpora, writ or precept directed to them, to ſummon a competent number of the ſeveral freeholders of the ſaid county of Gallway, being proteſtants, to attend on every grand inqueſt and tryal in any plea of the crown at the aſſizes, or any commiſſion of oyer and terminer, or goal delivery, there to be had, or at any tryal at bar in his Majeſty's court of King's bench, Dublin, in any plea of the crown as aforeſaid, in ſuch manner as they might have done to the freeholders of the county of the ſaid town, under ſuch pains, penalties, and forfeitures, and in the ſame manner and form, and with the like benefit of challenges, as if they were freeholders within the ſaid county of the town of Gallway; any law, cuſtom, or uſage to the contrary in any wiſe notwithſtanding. A. D. 1717. Chap. 15. and with like benefit of challenges, as if freeholders in the county of the town.

II. Provided always, That all fines and iſſues which ſhall be returned or impoſed on any of the freeholders of the county of Gallway, for not appearing on juries in the county of the town of Gallway, or for miſbehaving themſelves thereon, ſhall be eſtreated into this Majeſty's court of Exchequer for the uſe of his Majeſty, his heirs and ſucceſſors; any clauſe in any charter of the ſaid town of Gallway, to the contrary notwithſtanding. Fines and iſſues on them eſtreated into Exchequer, notwithſtanding any charter of ſaid town.

III. And whereas it will be a great encouragement to the preſent proteſtant inhabitants to continue, and to other proteſtants to come and inhabit, in the ſaid town of Gallway, if foreigners or perſons living out of the ſaid county of the town and liberties thereof, and in the county at large, and other counties of this kingdom, were excluded from being magiſtrates, ſheriffs, or common council-men within the ſaid town of Gallway; be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December one thouſand ſeven hundred and ſeventeen, no perſon or perſons ſhall be elected mayor or ſheriffs, or common council-men, who ſhall not be an inhabitant or inhabitants within the ſaid town and liberties thereof at the time of being elected into any of the ſaid offices reſpectively, and that hath or have not been reſident for the ſpace of one whole year before ſuch election. None but inhabitants, and reſident a year before, ſhall be elected mayor, ſheriff, or common council-man.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord chancellor, lords commiſſioners, or other keeper or keepers of the great ſeal of this kingdom for the time being, by commiſſion under the ſaid ſeal to appoint ſuch perſon and perſons, not exceeding four in number, being inhabitants of the ſaid town of Gallway, or the liberties thereof, to be juſtice or juſtices of the peace and *quorum*, during his Majeſty's pleaſure, in and throughout the county of the ſaid town and the liberties thereof; which perſon and perſons Lord chancellor may appoint 4 inhabitants juſtices of peace.

ſo

A. D. 1717. Chap. 15.

ſo appointed ſhall and may have the ſame power and authority to act, execute, and officiate to all intents and purpoſes within the ſaid county of the town and liberties thereof, as juſtice or juſtices of the peace and *quorum*, by virtue of ſuch commiſſion or commiſſions, as any other juſtice of the peace, by charter or otherwiſe, are or ſhall be authorized, appointed, or impowered to act or officiate within the county of the ſaid town or liberties thereof; any law, charter, uſage, or cuſtom, to the contrary notwithſtanding.

Tradeſmen coming to reſide in Galway ſhall be free, without paying for the ſame, as long as they dwell there,

V. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, who profeſs him or themſelves of any trade, myſtery, or handy-craft, that do or ſhall come to inhabit, dwell, or reſide in the ſaid town of Gallway, in order to follow their reſpective trades, ſhall and are hereby declared to be free of the town and corporation of Gallway, and alſo of that company or corporation to which their reſpective trades belong, without paying any thing for ſuch freedom, and ſhall continue freeman of ſuch company or corporation to all intents and purpoſes, as long as he or they inhabit or dwell in the ſaid town, and no longer, and ſhall be exempted and freed from all corporation-taxes and fines, for not ſerving as beadle for the ſpace of ſeven years next after his or their coming to inhabit in the ſaid town.

and exempt ſeven years from corporation taxes for not ſerving as beadle,

provided proteſtants 7 years next before, and taking the oaths, &c.

VI. Provided, That no perſon or perſons are to have the benefit of their freedoms as aforeſaid, unleſs he or they have been profeſſed proteſtants for ſeven years, or upwards, next before his or their demanding their freedoms purſuant to this act; and ſhall alſo take the uſual oaths of freemen; and alſo the oaths of Allegiance and Supremacy, and Abjuration; and make and ſubſcribe the Declaration, commonly called The Declaration againſt Tranſubſtantiation, before the mayor of the town, who is hereby impowered and required to adminiſter the ſame.

VII. And whereas ſince his Majeſty's happy acceſſion to the crown, and particularly during the late rebellion in Great-Britain, divers unqualified perſons, and ſome of them of known or ſuſpected diſaffection to his Majeſty's government, have been elected for ſheriffs within the ſaid town of Gallway; and, upon pretence of ſuch their election, have all of them been admitted into and ſworn of the common council of the ſaid town; notwithſtanding that they have not been approved of by the chief governor and council of this kingdom to be ſheriffs, and that all ſuch elections without ſuch approbation are utterly null and void; and divers other unqualified and diſaffected perſons have been admitted into the common council ſince the ſaid firſt of Auguſt one thouſand ſeven hundred and fourteen: be it further enacted by

by the authority aforeſaid, That for the further ſecurity of the ſaid town of Gallway, the election and admiſſion of all and every perſon and perſons, who have been admitted and ſworn of the common council of the ſaid town of Gallway ſince the firſt day of Auguſt in the year of our Lord one thouſand ſeven hundred and fourteen, except of ſuch, who have been approved of, ſworn, and ſerved as ſheriffs of the ſaid town, ſhall be and are hereby declared null and void to all intents and purpoſes. A. D. 1717.

Admiſſion of perſons to the common council ſince 1ſt of Auguſt 1714, except ſuch who were approved of, ſworn, and ſerved as ſheriffs, void.

CHAP. XVI.

An Act for the better regulating the corporation of the city of Kilkenny, and ſtrengthening the proteſtant intereſt therein, and puniſhing alderman Robert Connell, for withdrawing himſelf with the books and papers belonging to the ſaid corporation.

WHEREAS for ſeveral years paſt there has been a deſign formed and carried on to ſupport a popiſh and jacobite intereſt in the city of Kilkenny in favour of the pretender and his friends, and for the encouragement of rebellion againſt your moſt ſacred Majeſty; and for the aiding and abetting of rebels, more eſpecially James Butler late duke of Ormond, in purſuance of which deſign, many arbitrary and illegal practices have been uſed to procure perſons, notoriouſly diſaffected to your Majeſty, to be admitted into the magiſtracy, board of aldermen, common council, offices, and franchiſes of the ſaid city; which perſons ſo illegally admitted, confederated with thoſe, by whoſe intereſt they were ſo admitted, and others, for the perverting of publick juſtice, and eſpecially to render proſecutions againſt papiſts and other enemies to your Majeſty's perſon and government, ineffectual; for which purpoſe the ſaid confederates obliged one or more of the ſheriffs of the ſaid city, before he or they could be admitted into the ſaid office, to promiſe by ſubſcribing an inſtrument, and taking an oath, not to return any jury during the time of his or their ſherivaltry, but ſuch as ſhould be approved by John Birch, late mayor of the ſaid city, and alderman Robert Connell, preſent town clerk of the ſame; and in order to continue the mayoralty in the hands of ſuch ill affected perſons, the ſaid confederates illegally reſtrained the nomination of candidates for the mayoralty to the aldermen only, excluſive of the common council, contrary to the ancient and right uſage of the ſaid city; and farther to carry on the ſaid deſign, the ſaid confederates illegally admitted divers perſons of the common council of the ſaid city, in order to ſupport ſuch diſaffected intereſt therein, particularly

Popiſh and jacobite intereſt in Kilkenny,

for aiding rebels.

Diſaffected perſons admitted aldermen, &c.

their illegal practices.

Robert Connell town clerk withdrawn with the books.

A. D. 1717. Chap. 16.

ticularly the perſons following, *(viz.)* Edward Butler, James Cartwright, William Eyres, Richard Dean, Richard Jacob, George Birch, junior, John Barnes, William Wareing, and James Bradiſh; all which evil practices upon due examination have plainly appeared to your faithful commons; and that ſince the admiſſion of the ſaid common council-men, divers illegal and arbitrary by-laws and acts have been made to the miſgovernance of the ſaid city, and the notorious miſapplication of the revenues thereof, for the carrying on and promoting the ſaid evil deſign; and ſeveral of the ſaid diſaffected perſons, ſo far as in them lay, to avoid the full diſcovery of ſuch their proceedings, have concealed the town-books of the ſaid city, and particularly alderman Robert Connell preſent town clerk thereof, who has the ſaid books in his cuſtody, though he was duly ſummoned by order of your Majeſty's faithful commons to lay before them the ſaid books, has contemptuouſly withdrawn and concealed himſelf, and has caried away the ſaid books: and whereas the well affected proteſtants of the ſaid city have been greatly damnified, and ſtill labour under great diſcouragements on account of ſuch illegal and arbitrary acts, by the admiſſion of the aforeſaid common council-men, ſince the twenty fourth of June one thouſand ſeven hundred and ſixteen; by which proceedings ſeveral offenders againſt your Majeſty's peace, crown, and dignity, have hitherto eſcaped puniſhment, and divers perſons of rebellious diſpoſition againſt your Majeſty have been and are encouraged, to the danger of your Majeſty's peace in that part of this your kingdom: and whereas it has appeared to your Majeſty's faithful commons, That Robert Connel, John Birch, Edward Philips, Thomas Blount, all of the ſaid city, aldermen, John Doyle one of the common council, and George Smith one of the freemen of the ſaid city, have been principal inſtruments with ſeveral others in carrying on the ſaid evil deſign, and are perſons notoriouſly diſaffected to your Majeſty, and the ſucceſſion in your royal family, which they have manifeſted in ſeveral inſtances, but cannot be puniſhed on account of the ſaid confederated power and intereſt in the ſaid city: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, for the better regulating the ſaid corporation, That the ſaid John Birch, Robert Connell, Edward Philips, Thomas Blount, John Doyle, and George Smith, be and are hereby ouſted of all liberties and franchiſes, which they now have as members of the corporation of the ſaid city of Kilkenny, and that they ſhall be at all times hereafter incapable of having any office, or enjoying any of the liberties,

Proteſtant intereſt diſcouraged there,

and offenders eſcaping puniſhment.

Principal inſtruments in ſaid evil deſigns:

diſfranchiſed.

liberties, priviledges, or franchiſes of the ſaid city, as members of the ſaid corporation. A. D. 1717. Chap. 16.

II. And be it further enacted by the authority aforeſaid, That all ſuch perſons, as have been admitted of the common council of the ſaid city ſince the twenty fourth of June one thouſand ſeven hundred and ſixteen, ſhall be and are hereby removed from being of the common council of the ſaid city, notwithſtanding ſuch their pretended election. Common council men admitted ſince 24 June 1716, removed.

III. And be it further enacted by the authority aforeſaid, That all by-laws, made by the ſaid aldermen and common council at their aſſemblies ſince the ſaid twenty fourth of June one thouſand ſeven hundred and ſixteen, ſhall be and are hereby declared null and void. By-laws ſince, void.

IV. And for the puniſhment of the ſaid Robert Connell for his diſobedience to the ſaid ſummons, and contempt in concealing the ſaid books; be it further enacted by the authority aforeſaid, That the ſaid Robert Connell ſhall ſurrender himſelf and the ſaid books to the lord chief juſtice, or ſome one of the juſtices of his Majeſty's court of King's bench in Ireland, for the uſe of the ſaid corporation of Kilkenny, on or before the twenty third day of January in this preſent year one thouſand ſeven hundred and ſeventeen, and ſhall then be examined upon oath by the ſaid chief juſtice or other juſtice, whether the ſaid books are as entire as the ſame came to his hands; or whether the ſame have been altered, changed, raſed, or defaced, by him, or by any other perſon with his privity, or by his conſent or procurement, and ſhall diſcover the perſon or perſons that hath or have altered or defaced the ſame, and the particulars, which he knows or believes to have been altered or defaced: and in default of ſuch ſurrender, and ſubmitting himſelf to ſuch examination as aforeſaid, he the ſaid Robert Connell ſhall be deemed guilty of a premunire, and ſhall incurr all the pains, penalties, and forfeitures, as perſon convict of premunire: and in caſe he the ſaid Robert Connell do or ſhall ſurrender himſelf and the ſaid books as aforeſaid on or before the ſaid twenty third day of January one thouſand ſeven hundred and ſeventeen, that then the ſaid lord chief juſtice, or ſome one of the juſtices of the ſaid court of King's bench, to whom the ſaid Robert Connell ſhall ſo ſurrender himſelf and the ſaid books, are hereby impowered and required to commit the ſaid Robert Connell to the common goal, there to remain for three calendar months without bail or mainprize. Connell ſhall ſurrender himſelf and the books to a judge of B. R. by 23 January 1717, and examined on oath as to alteration of the books. Penalty, Premunire. if he ſurrenders, to be committed 3 months.

V. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, judged, and taken in all courts and places whatſoever to be a publick act. This a publick act.

THE

A. D. 1719.

THE SIXTH YEAR OF GEORGE I.

CHAP. I.

An Act for abreviating Michaelmas-term, and ſettling the commencement thereof.

WHEREAS the term of Saint Michael commonly called Michaelmas-term, beginning ſo ſoon after the feaſt of Saint Michael, was found to be ſo highly inconvenient to the people of England, that an act of Parliament paſſed in the reign of King Charles the firſt for limitting and abreviating the ſaid term: and whereas the chief governor or governors and privy council of this kingdom, for preventing as much as poſſible the like miſchiefs and inconveniencies to his Majeſty's ſubjects of this nation, have uſed yearly to iſſue their warrant to the lord chancellor, lord 16 C. 1. 6. *Eng.*

Inconvenient that Michaelmas term ſhould begin ſo early.

A. D. 1719. Chap. 1.

keeper or commiſſioner of the great ſeal for the time being, thereby requiring him or them to cauſe writs to be made out under the great ſeal of this kingdom to the judges of his Majeſty's court of Kings bench and Common pleas, and to the barons of the Exchequer, to cauſe the ſaid term to be adjourned from the firſt return thereof, which is commonly called *a die Sancti Michaelis in Quindecim dies*, unto *in Craſtino animarum*, before which day the ſaid term never begins for the diſpatch of buſineſs: and whereas the fixing the returns and commencement of the ſaid term by act of Parliament will highly conduce to the eaſe and quiet of his Majeſty's ſubjects of this kingdom, and prevent many inconveniencies, which may happen in caſe ſuch adjournment ſhould at any time not be made: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That in the ſaid Michaelmas term there ſhall be four common days of return only, and not above, (that is to ſay) the firſt return thereof ſhall be, and be called, *in Craſtino Animarum*; the ſecond day of return of the ſame term ſhall be and be called *in Craſtino Sancti Martini*; the third day of return ſhall be and be called *in Octabis Sancti Martini*; and the fourth day of return of the ſaid term ſhall be, and be called, *a die Sancti Martini in Quindecim dies*.

Hitherto adjourned by writs by order of chief governors, &c. to *Craſtino Animarum.*

To fix returns and commencement of ſaid term,

there ſhall be only four common days of return in Michaelmas-term.

II. And be it further enacted, That the ſaid days of return ſhall be obſerved and kept in all the courts of record of his Majeſty, his heirs and ſucceſſors, hereafter to be holden at the King's courts in Dublin, or at ſuch other place or places within this kingdom, as ſhall be aſſigned or appointed by his Majeſty, his heirs and ſucceſſors, or the chief governor or governors of this kingdom for the time being; and that from and after the feaſt of Saint Michael the Arch-angel in the year of our Lord one thouſand ſeven hundred and nineteen there ſhall not be, nor be called, any days of return *a die Sancti Michaelis in Quindecim dies*, nor *in tres Septimanas Sancti Michaelis*, nor *a die Sancti Michaelis in unum Menſem*, nor any or either of them; but that the ſaid term of Saint Michael yearly for ever from and after the ſaid feaſt of Saint Michael the Arch-angel ſhall begin in and upon the ſaid *in Craſtino Animarum*, whenſoever it ſhall happen to fall, (except it be on the Lord's-day, commonly called Sunday, and then on the day after) for the keeping of the eſſoins, profers, returns, and other ceremonies, heretofore uſed and kept, in like manner and form as hath been uſed to be done in the day of return commonly called *in Quindena Michaelis*, and that the full term of Saint Michael ſhall yearly for ever, from and after the ſaid feaſt of Saint Michael,

Obſerved in all courts of record.

Three return days taken away.

Michaelmas term to begin *Craſtino Animarum*, for eſſoins, &c.

in all the aforeſaid courts of record begin and take its commencement upon the fixth day of November, as formerly it hath been uſed, (except it be on the Lord's-day commonly called Sunday) and then the day after.

The full term 6th November.

III. And be it further enacted by the authority aforeſaid, That if after the ſaid feaſt of Saint Michael the Arch-angel any writ in any real action, other than writs of entry for common recoveries, and writs of right of advowſon, and writs of dower *unde nihil habet*, hereafter mentioned, come in and be returnable in his Majeſty's court of Common-pleas in the day of return of *in Craſtino Animarum*, then day ſhall be given *in Quindena Paſchæ*; if *in Craſtino Sancti Martini*, then *a die Paſchæ in tres Septimanas*; if *in Octabis Sancti Martini*, then *a die Paſchæ in unum Menſem*; if *in Quindena Sancti Martini*, then *in Quinque Septimanas Paſchæ*; if *in Octabis Sancti Hillarij*, then *in Craſtino Aſcentionis Domini*; if *in Quindena Sancti Hillarij*, then *in Craſtino Sanctæ Trinitatis*; if *in Craſtino Purificationis Beatæ Mariæ*, then *in Octabis Sanctæ Trinitatis*; if *in Octabis Purificationis Beatæ Mariæ*, then *in Quindena Sanctæ Trinitatis*, if *in Quindena Paſchæ*, then *a die Sanctæ Trinitatis in tres Septimanas*; if *a die Paſchæ in tres Septimanas*, then *in Craſtino Animarum*; if *a die Paſchæ in unum Menſem*, then *in Craſtino Sancti Martini*; if *a die Paſchæ in Quinque Septimanas*, then *in Octabis Sancti Martini*; if *in Craſtino Aſcentionis Domini*, then *in Quindena Sancti Martini*; if *in Craſtino Sanctæ Trinitatis*, then *in Octabis Sancti Hillarij*; if *in Octabis Sanctæ Trinitatis*, then *in Quindena Sancti Hillarij*; if *in Quindena Sanctæ Trinitatis*, then *in Craſtino Purificationis Beatæ Mariæ*; if *a die Sanctæ Trinitatis in tres Septimanas*, then *in Octabis Purificationis Beatæ Mariæ*.

How day ſhall be given in writs in real actions, except of entry for recoveries, right of advowſon, and dower *unde*, &c.

IV. And for the more ſpeedy proceedings in writs of dower, and by writs of entry for common recoveries, to be ſued and proſecuted by writs of entry, or writs of right of advowſon, be it further enacted by the authority aforeſaid, That if after the ſaid feaſt of Saint Michael the Arch-angel, any writ of dower *unde nihil habet*, or any writ of entry, whereupon a common recovery is to be ſued, or writs of right of advowſon, be returnable *in Craſtino Animarum*, then *in Octabis Sancti Hillarij*; if *in Craſtino Sancti Martini*, then *in Quindena Sancti Hillarij*; if *in Octabis Sancti Martini*, then *in Craſtino Purificationis Beatæ Mariæ*; if *in Quindena Sancti Martini*, then *in Octabis Purificationis Beatæ Mariæ*; if *in Octabis Sancti Hillarij*, then *in Quindena Paſchæ*; if *in Quindena Sancti Hillarij*, then *a die Paſchæ in tres Septimanas*; if *in Craſtino Purificationis Beatæ Mariæ*, then *a die Paſchæ in unum Menſem*; if *in Octabis Purificationis Beatæ Mariæ*, then *a die Paſchæ*

How in thoſe writs.

A. D. 1719. Chap. 1.

Paſchæ in Quinque Septimanas; if *in Quindena Paſchæ*, then *in Craſtino Aſcentionis Domini*; if *a diæ Paſchæ in tres Septimanas*, then *in Craſtino Sanctæ Trinitatis*; if *in Menſe Paſchæ*, then *in Octabis Sanctæ Trinitatis*; if *in Quinque Septimanas Paſchæ*, then *in Quindena Sanctæ Trinitatis*; if *in Craſtino Aſcentionis Domini*, then *a die Sanctæ Trinitatis in tres Septimanas*; if *in Craſtino Sanctæ Trinitatis*, then *in Craſtino Animarum*; if *in Octabis Sanctæ Trinitatis*, then *in Craſtino Sancti Martini*; if *in Quindena Sanctæ Trinitatis*, then *in Octabis Sancti Martini*; if *a die Sanctæ Trinitatis in tres Septimanas*, then *in Quindena Sancti Martini*.

In *dower unde*, &c. 15 days between *teſte* and return of proceſs ſufficient.

V. Provided nevertheleſs, and be it likewiſe enacted by the authority aforeſaid, That in all writs of dower *unde nihil habet*, after iſſue joyned, it ſhall not be needful or requiſite to have above fifteen days betwixt the *teſte* and return of the *venire facias*, or any other proceſs to be ſued out for the tryal of the ſaid iſſue: but that the writ of *venire facias*, and other proceſs after iſſue joyned until judgment be given, having only fifteen days between the *teſte* and return thereof, ſhall be good and effectual in law as is uſed in perſonal actions; any law, ſtatute, or uſage, to the contrary notwithſtanding.

Craſtino Aſcentionis a good return day, tho' not 15 days, &c.

VI. And be it further enacted by the authority aforeſaid, That from and after the ſaid feaſt of St Michael the Arch-angel, the ſaid day of return, called *Craſtino Aſcentionis Domini*, ſhall be a good and perfect return to all intents and purpoſes, as any other of the ſaid days of return before mentioned is or hath been uſed, notwithſtanding there be not fifteen days between the *quarto die* of the ſaid return of *Craſtino Aſcentionis Domini*, and the eſſoin days of the return of *Craſtino Sanctæ Trinitatis*.

VII. Provided always, and be it further enacted, That all writs and proceſs, made or to be made returnable upon the following returns, (viz.) *in Quindena Sancti Michaelis*, or *in tres Septimanas Sancti Michaelis*, or *a die Sancti Michaelis in unum Menſem*, in the year of our Lord one thouſand ſeven hundred and nineteen, or having days between any of the ſaid returns, ſhall by force and virtue of this act have day unto *in Craſtino Animarum*, and the parties to the ſaid writs and proceſs ſhall then appear and plead, and proceed thereupon to all intents and purpoſes as if the ſaid writs and proceſs had been made returnable *in Craſtino Animarum*.

VIII. And whereas before the making of this act all writs of ſummons *ad warrantizandum* againſt the vouchers upon common recoveries had in writs of entry, and in writs of right of advowſon, were made for nine returns inclusive: now for the more ſpeedy perfecting ſuch recoveries, be it further enacted, that from and

and after the said feast of Saint Michael the Arch-angel all and every such writs of summons *ad warrantizandum*, upon the appearance of the tenant to every such writ of entry and writ of right of advowson, shall and may be made and abridged to five returns, as writs of summons *ad warrantizandum* in writs of dower *unde nihil habet* heretofore have been used and accustomed. A. D. 1719.

Summons *ad warrantizandum* on appearance of tenant to writ of entry and right of advowson, abridged to 5 returns, as in *dower unde*, &c.

IX. And be it further enacted, That all common writs, as well personal as mixt, which shall happen to be returnable in the said Michaelmas-term, shall have and keep the said returns of *in Crastino Animarum*, *in Crastino Sancti Martini*, *in Octabis Sancti Martini*, and *a die Sancti Martini in Quindecim dies*.

All common writs shall have said returns.

X. Provided always and it is further enacted, That in such and like cases and process, as special days have been used to be appointed, and assigned, and given for the returning of writs and process, it shall be lawful for the justices of every of the King's said courts of record, and barons of the Exchequer for the time being, in all the process by them awarded to assign and appoint special days of return, as by them shall be thought convenient.

Special return-days may be assigned, as have been used.

XI. Provided also, and be it further enacted, That the days in *assize of Darrein presentment*, and in plea of *Quare Impedit*, limited and appointed by the statute of Marlbridge, and also the days to be given in *attaint* limitted in the statute made in the fifth year of the reign of King Edward the third, being not contrary to the tenor of this act, shall be holden firm, and stand in their full force and effect.

Days in *assize of Darrein presentment* and *Quare Impedit*, by *stat. Marlbridge* 52 *H.* 3. 12. and in *attaint* by 5. E. 3. 6. not contrary to this act, to stand in force.

CHAP. II.

An Act for the more effectual preventing the ingrossing and regrating of coals in this kingdom.

4 *Anne* 8.
10 *Anne* 4.
1 *G.* 2. 21.
31 *G.* 2. 15.
1 *G.* 3. 10.

WHEREAS several attempts have been made to erect a monopoly of coals in the city of Dublin, and other cities and towns corporate of this kingdom, by engrossing great quantities of coals, and afterwards selling the same at excessive rates, to the great prejudice of the poor: for the remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That no person or persons, bodies politick or corporate, shall from and after the first day of November one thousand seven hundred and nineteen buy and lay up in cellars, store-houses, yards, or elsewhere, either singly on his, her, or

None shall buy and lay up more than 1500 tun of coals in a year for retail.

A. D. 1719. Chap. 2.

their own accounts, or in partnerſhip with any other, or by any other perſon or perſons in truſt for him, her, or them, more than fifteen hundred tun of coals in any one year for retail; and in caſe any perſon or perſons, bodies politick or corporate, ſhall buy and lay up in cellars, ſtore-houſes, yards, or elſewhere, in any one year more than fifteen hundred tun of coals for retail, as aforeſaid, every ſuch perſon or perſons, bodies politick or corporate, ſhall for every ſuch offence forfeit double the value of ſuch coals, which ſhall be ſo bought and laid up as aforeſaid in any one year, over and above the ſaid fifteen hundred tuns; to be recovered in his Majeſty's court of King's bench, Common pleas, or Exchequer, by information or action of debt; one moiety of the forfeiture to go to the perſon or perſons, who ſhall ſue for the ſame, the other moiety to the miniſter and church-wardens of the reſpective pariſhes, wherein ſuch offence ſhall be committed, to the uſe of the poor of the ſaid pariſhes, to be accounted for by ſuch perſon or perſons, who ſhall recover the ſame, in the ſame manner as monies raiſed or levied for the uſe of the poor of ſuch pariſh or pariſhes are to be accounted for to the laws of this kingdom; in which information or action no protection, eſſoin, or wager of law ſhall be allowed.

Penalty double value, to proſecutor and the poor.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, bodies politick or corporate, ſhall after the time aforeſaid enter into any combination or agreement for inhancing the prices of coals, ſuch perſon or perſons, being thereof lawfully convicted on any information or indictment, ſhall for every ſuch offence forfeit the ſum of fifty pounds; one moiety thereof to the perſon or perſons who ſhall ſue for the ſame, and the other moiety thereof to the miniſter and church-wardens for the uſe of the poor of the pariſh, where ſuch offence ſhall be committed, to be accounted for to the ſaid miniſter and church-wardens in manner aforeſaid.

31 *G.* 2. 15. Combining to enhance the price,

penalty 50*l.* as before.

III. And whereas the price of coals hath of late been moſt unreaſonably inhanced in the city of Dublin by a fraudulent practice, uſed by the owners of gabbarts and lighters in combination with thoſe, who expoſe ſuch coals to ſale, by keeping and detaining great quantities of coals in ſuch gabbarts and lighters till the prices of coals are greatly advanced: for remedy whereof, and for the better preventing the ſame or the like evil practices for the future, be it enacted by the authority aforeſaid, That no maſter, owner, or keeper of any ſhip, bark, gabbart, or lighter, where ſuch ſhip, bark, gabbart, or lighter, ſhall be of the burthen of forty tuns or upwards, ſhall keep on board his or their ſhip, bark, gabbart, or lighter, any coals after ſuch

No veſſel of 40 tuns after coming to publick landing place ſhall keep coals on board longer than 10 working days.

ſhip, bark, gabbart, or lighter, ſhall come up to the publick key or landing place, for any longer term or time than ten working days at fartheſt; and where ſuch ſhip, bark, gabbart, or lighter, ſhall be under the burthen of forty tun, for any longer time than eight working days; and in caſe the maſter, owner, or keeper of ſuch ſhip, bark, gabbart, or lighter, or the perſon or perſons who expoſe ſuch coals to ſale, ſhall permit or ſuffer any coals to be kept on board any ſuch ſhip, bark, gabbart, or lighter, longer than the times herein before mentioned, after they ſhall reſpectively come up to the publick keys or landing places, every perſon ſo offending, as well the maſter, owner, and keeper of ſuch ſhip, bark, gabbart, and lighter, as the perſon or perſons who expoſe the ſame to ſale, ſhall, for every day ſuch coals ſhall lye on board ſuch ſhip, bark, gabbart, or lighter, longer than the times aforeſaid, forfeit reſpectively the ſums of forty ſhillings: all the aforeſaid penalties to be recovered before the lord mayor of the city of Dublin for the time being by the oath of one or more credible witneſs or witneſſes; and upon conviction one moiety thereof to be to the informer, the other moiety to the poor of the pariſh where ſuch offence ſhall be committed; the ſame to be levied by ſale and diſtreſs of the offenders goods, by the warrant of the lord mayor of the ſaid city for the time being; and that every owner or keeper of ſuch gabbarts or lighters for coals ſhall hire out the ſame by the day, and not by the month, or any other manner than as aforeſaid, under the penalty of forfeiting for every ſuch offence the ſum of five pounds, to be recovered before the lord mayor of the city of Dublin in manner aforeſaid, and to be levied by diſtreſs and ſale of the offenders goods; one moiety of the ſaid forfeiture to be to the uſe of the informer, and the other moiety to the uſe of the poor of the pariſh as aforeſaid.

A. D. 1719. Chap. 2.

Under 40 tun 8 days.

Penalty on maſter and vender reſpectively 40 s. each day: recovered before lord mayor.

coal gabbarts or lighters to be hired out by the day.

Penalty 5 l.

IV. And for the more effectual ſuppreſſing the fraudulent practices aforeſaid, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord mayor of the ſaid city, as often as he ſhall ſee occaſion, to cauſe all or any of the gabbarts or lighters, that ſhall be laden with coals and lying in any part of the river Liffy, and not at the publick keys, to cauſe the ſame to be brought up to the publick keys of the ſaid city, there to be expoſed to ſale at the faireſt price, that can be had for ſuch coals.

Lord mayor, as often as occaſion, may cauſe them when laden with coals in the river to be brought to the quays, to be ſold at the faireſt price.

V. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord mayor, recorder, and ſix ſenior aldermen of the city of Dublin, and the miniſter and church-wardens of the pariſh, where the ſaid coals are, or

Lord mayor, recorder and 6 ſenior aldermen, &c. may by day enter cellars, &c. where coals laid up for

A. D. 1719. Chap. 2.

or any four of them, whereof the lord mayor or recorder to be one, at any time of the day, as they ſhall think convenient, to enter and go into the cellars, ſtore-houſes, yards, or other places, where any perſon or perſons have bought or laid up, or ſhall at any time hereafter buy or lay, up any quantities of coals, in order to be put to ſale by retail or otherwiſe, and to view the ſame, and to order and direct the ſame to be expoſed to ſale at ſuch rates and prices, as they or the major part of them ſhall judge reaſonable, allowing a competent profit to the owner thereof beyond the price paid by him to the importer, and the ordinary charge thereupon accrewing; and if any perſon or perſons whatſoever ſhall refuſe to obey the ſaid orders and directions of the ſaid lord mayor, recorder, aldermen, miniſter, and church-wardens, or any four of them as aforeſaid, ſuch perſon or perſons ſhall forfeit for every ſuch offence the ſum of five pounds; the one moiety to the poor of the pariſh, where ſuch offence ſhall be committed, the other moiety to the proſecutor; ſuch penalty to be recovered before the ſaid lord mayor and recorder, or any two juſtices of the peace of the ſaid city, upon proof made before them by the oath of one or more witneſs or witneſſes to their ſatisfaction; and in caſe of conviction the ſaid lord mayor, recorder, and juſtices, are hereby required to iſſue a warrant, or warrants under their hands and ſeals for levying the ſaid forfeiture, and diſpoſing thereof as aforeſaid; and the ſaid lord mayor, recorder, ſix ſenior aldermen, miniſter, and church-wardens, or any four of them as aforeſaid, are hereby authorized to appoint and impower ſuch officer or officers, as they ſhall think fit, to enter into any cellar, ſtore-houſe, yard, or other places, where ſuch coals are ſtored up as aforeſaid; and in caſe of refuſal, taking a conſtable, to force entrance, and the ſaid coals to ſell, or cauſe to be ſold, at ſuch rates as the lord mayor, recorder, ſix ſenior aldermen, miniſter, and church-wardens, or any four of them as aforeſaid, ſhall judge reaſonable, rendring to the owner of ſuch coals, or in his abſence to thoſe impowered by him, the money, for which the ſaid coals ſhall be ſo ſold, neceſſary charges being firſt deducted; which ſale ſhall be good and effectual in the law to all intents and purpoſes whatſoever.

retail, view, and direct a ſale at reaſonable price,

allowing competent profit.

Penlaty on refuſal 5 l. to the poor and proſecutor,

recovered before lord mayor, &c.

They may impower officers to enter,

and on refuſal, to force entrance with a conſtable, and ſell as before

VI. Provided nevertheleſs, That if any perſon or perſons ſhall think him or themſelves agrieved by the price of coals to be ſet as aforeſaid, he or they may appeal, within the ſpace of ten days next after ſuch price ſhall be ſo ſet as aforeſaid, to the chief governor, or governors and council of this kingdom for the time being; who are hereby impowered fully and effectually to redreſs the ſame, as they ſhall think fit.

Appeal in ten days to chief governors and council.

VII. And

A. D. 1719. Chap. 2.

1 G. 2. 21.

VII. And for avoiding the many deceits, exactions, and abuſes, uſed in the meaſure and ſale of coals by retailers, and for the better regulation thereof for the time to come, be it further enacted by the authority aforeſaid, That from and after the firſt day of November one thouſand ſeven hundred and nineteen no perſon or perſons whatſoever, retailing coals, ſhall keep for meaſuring of any ſort of coal, commonly called ſea-coal, brought into any harbour or port of this kingdom, any half-barrel, buſhel, half-buſhel, peck, or half-peck, but ſuch as are of the following dimenſions, and contain the following quantities, and be ſealed by the clerk of the reſpective markets, and ſo proportionably for a leſſer quantity, *viz.* every half-barrel ſhall be twenty four inches diameter in the bottom, and twenty five inches and a half in the top, and contain twenty gallons Wincheſter meaſure; that every buſhel be twenty inches diameter in the bottom, and twenty one inches in the top, and contain ten gallons of the like meaſure; that every half buſhel be fifteen inches diameter in the bottom, and ſixteen inches in the top, and contain five gallons of the like meaſure; that every peck be eleven inches diameter in the bottom, and twelve inches in the top, and contain two gallons and a half of like meaſure; that every half-peck be ten inches and a half diameter in the bottom, and eleven inches and a half in the top, and contain one gallon and a quarter of the like meaſure; upon pain of forfeiture of all the coals, which ſhall be otherwiſe ſold or expoſed to ſale by any retailer of coals, and alſo the double value thereof; to be recovered by any perſon or perſons before the chief magiſtrate or magiſtrates of ſuch city or town-corporate, where ſuch coals ſhall be brought in and imported, who are hereby impowered and required to call the parties before them, and to hear and examine ſuch complaints upon oath, which by vertue of this act is to be adminiſtered by ſuch chief magiſtrate, and, upon due proof thereof made to his ſatisfaction, to convict the offenders, and to give warrant under his hand and ſeal for levying the forfeitures accordingly; the one moiety thereof to be to and for the uſe of the perſon or perſons ſo proſecuting or complaining, and the other moiety to and for the uſe of the poor of the pariſh where ſuch offence ſhall be committed.

Dimenſions and contents of the meaſures kept by retailers of coals in any port, ſealed by clerk of the market,

the half barrel,

buſhel,

half buſhel,

peck,

half peck,

Penalty, forfeiture of the coals, and double value, before chief magiſtrate, as aforeſaid.

VIII. Provided alſo, That no information, action, or ſuit, ſhall be commenced for or by reaſon of any forfeiture or penalty incurred by any offence contrary to this act, unleſs the ſame be commenced within the ſpace of one year next after ſuch offence committed.

Proſecution in one year after offence.

IX. And be it further enacted by the authority aforeſaid, That if any action, ſuit, plaint, or information, ſhall be commenced or proſecuted againſt any perſon or perſons for whatever

Perſons ſued for acting may plead general iſſue, &c.

A. D. 1719.

and may recover treble coſts.

Continuance ſeven years, &c. *Revived and continued ſeven years, &c. by* 21 G. 2. 7. *further continued two years, &c. by* 29 G. 2. 8. *and made perpetual by* 1 G. 3. 17. *ſo far as not altered by* 31 G. 2. 15. *or by any other act in that ſeſſion.*

he or they ſhall do in purſuance or in execution of this act, ſuch perſon or perſons, ſo ſued in any court whatſoever, ſhall and may plead the general iſſue, not guilty, and upon any iſſue joined may give this act and the ſpecial matter in evidence; and if the plaintiff or proſecutor ſhall become nonſuit, or forbear further proſecution, or ſuffer any diſcontinuance, or if a verdict or judgment upon demurrer ſhall paſs againſt ſuch plaintiff or plaintiffs, the ſaid defendant or defendants ſhall recover his or their treble coſts; for which he or they ſhall have the like remedy, as in caſe where coſts by law are given to the defendant.

X. Provided always, That this act ſhall be and continue in force for the ſpace of ſeven years from the firſt day of November one thouſand ſeven hundred and nineteen, and from thence to the end of the next ſeſſions of Parliament, and no longer.

CHAP. III.

An act for continuing and amending an act, intituled, *An act to make the militia of this kingdom more uſeful.*

2 G. 1. 9. continued 2 years, &c. *further continued by ſeveral acts, and ſo far as not altered by* 19 G. 2. 9. *continued 4 years, &c. by* 23 G. 2. 8. *and for ten years, &c. by* 29 G. 2. 8.

WHEREAS it is greatly neceſſary for the ſecurity of this kingdom, that an act, intituled, *An act to make the militia of this kingdom more uſeful,* ſhould be continued: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act, and every clauſe and clauſes therein contained, ſhall be continued and be of full force to all intents and purpoſes for and during two years, to be accounted from the twenty fourth day of June one thouſand ſeven hundred and twenty, and to the end of the next ſeſſion of Parliament after the expiration of the ſaid two years, and no longer.

Captains of militia ſhall keep in one convenient place all arms and accoutrements delivered out by chief governors for uſe of the militia upon occaſion.

II. And be it further enacted by the authority aforeſaid, That the captains of the ſeveral troops and companies of the militia of this kingdom ſhall, and may, and are hereby required to keep in one convenient place all ſuch arms and accoutrements as now are, or ſhall, or may hereafter be delivered out by the lord lieutenant, or other chief governor or governors of this kingdom, for the uſe of the militia thereof, to be there kept for the uſe of the ſaid ſeveral troops and companies, when they ſhall have occaſion for the ſame.

No commiſſioned officer of land forces on the eſtabliſhment or in any

III. And be it further enacted by the authority aforeſaid, That no perſon, who is a commiſſioned officer of the land forces on the eſtabliſhment of this kingdom, or in any county within this kingdom, ſhall be held, or obliged to inliſt, array, muſter, ſerve,

ſerve, pay, or contribute, as a private man in the militia of the city of Dublin, or of any other county of a city, or county of a town, within this kingdom; any thing herein, or in the ſaid former act, contained to the contrary in any wiſe notwithſtanding: ſo as ſuch commiſſioned officer in the ſtanding army or militia, governor, or deputy governor, of a county, enter his and their names with the town-clerk of the reſpective cities and counties of towns, where ſuch commiſſioned officer of the land forces as aforeſaid, or militia, governor, or deputy-governor of a county, ſhall reſide, for which no fee or reward ſhall be taken.

A. D. 1719. Chap. 3.

county obliged to inliſt, &c. as a private man in the militia, ſo as he enter his name (for which no fee) with the town clerk where he reſides.

IV. And whereas it has been found by experience, that the drawing out of the militia of this kingdom for exerciſe on the ſeveral days, appointed by act of Parliament, proves chargeable to ſeveral of the private men, who attend the ſaid ſervice, for want of ſome reaſonable competency towards their refreſhment: and whereas the papiſts of this kingdom are diſabled by law to act in the militia, and bear no ſhare of the expence and trouble attending the ſame: be it further enacted by the authority aforeſaid, That for the better encouragement of the militia to draw out and attend the ſaid publick exerciſe on the ſaid days according to the ſaid act, it ſhall and may be lawful to and for the juſtices at every general aſſizes, to be held for the ſeveral counties in this kingdom, and for the juſtices of the peace at the quarter ſeſſions for the county of Dublin, by preſentment of the grand jury to charge, raiſe, and levy (if they think fit) upon the popiſh inhabitants of ſuch county a ſum, not exceeding twenty ſhillings *ſterling*, for the refreſhment of each troop or company, who ſhall appear and attend the ſaid ſervice on each and every of the ſaid days appointed by the ſaid act, to be applotted equally and indifferently on all ſuch popiſh inhabitants within ſuch county; and to be levied by ſuch ways and means as other publick money is uſually applotted, raiſed, and levied, in purſuance of preſentments made at the aſſizes or ſeſſions for charging, levying, and raiſing, other publick money; and the ſame, when levied, to be paid over to ſuch perſon and perſons as the governor or governors, or deputy-governor or governors, of each county reſpectively ſhall nominate and appoint to receive and apply the ſame to the purpoſes aforeſaid.

For encouragement of the militia to draw out on days appointed, juſtices at aſſiſes, and ſeſſions for county of Dublin, may by preſentment of grand jury levy 20s. on popiſh inhabitants for refreſhment of each company,

applotted equally as other publick money,

and paid to perſons appointed by governors of each county.

CHAP.

A. D. 1719.

CHAP. IV.

An Act for continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes: and alſo on all ſorts of wine, ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo a tax on all ſallaries, profits of imployments, fees, and penſions, therein mentioned; and for continuing the further additional duty on ale, beer, and ſtrong waters, and ſpirits perfectly made, and upon ſpirits made and diſtilled of wine; and for granting an additional duty on molaſſes, treacle, tea, coffee, chocolate, and cocoa-nuts; and for ſecuring the repayment of fifty thouſand pounds ſterling, *formerly advanced unto his Majeſty for the uſe of the publick, together with the intereſt thereof.*

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliamment aſſembled, being highly ſenſible of your Majeſty's moſt tender regard for the ſecurity and welfare of this your kingdom, expreſſed in very many remarkable inſtances of your reign, and of your Majeſty's unwearied endeavours to preſerve and maintain us in thoſe ineſtimable bleſſings, which we now enjoy: in grateful acknowledgment thereof, and for the better ſupport of the neceſſary expences of the publick, and for ſecuring the repayment of the debt, which your faithful commons chearfully contracted, to enable your Majeſty to put this your kingdom in a poſture of defence, when an unnatural and horrid rebellion was begun againſt your Majeſty, do humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſeveral and reſpective additional rates, duties, and impoſitions upon beer, ale, ſtrong waters, tobacco, and other goods and merchandizes, granted and continued from the one and twentieth day of November one thouſand ſeven hundred and ſeventeen unto the one and twentieth day of November one thouſand ſeven hundred and nineteen incluſive in and by an act, paſſed the laſt ſeſſions of Parliament in this kingdom, intituled, *An act for continuing to his Majeſty the additional duties on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes*, be further granted, continued, raiſed, collected, levied, and paid, unto your Majeſty, your heirs and ſucceſſors, from the twenty firſt day of November one thouſand ſeven hundred and nineteen, until the twenty fifth day of December one thouſand ſeven hundred and twenty one incluſive:

4 G. 1. 1.

Additional duties continued to 25 December 1721.

II. And for a further ſupply to your Majeſty, be it further enacted by the authority aforeſaid, that the ſeveral and other reſpective additional rates, duties, and impoſitions for and upon all ſorts of wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine imported into this kingdom, and likewiſe the further additional and other duties and impoſitions on beer, ale, *aqua vitæ*, and ſtrong waters, brewed and made in this kingdom, and upon brandy or ſpirits above proof imported into this kingdom, granted from the twenty firſt day of November one thouſand ſeven hundred and ſeventeen, until the twenty firſt day of November one thouſand ſeven hundred and nineteen incluſive, in and by one other act paſſed laſt ſeſſions of Parliament in this kingdom, intituled, *An act for continuing to his Majeſty an additional duty on all wines and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and alſo a tax on all ſallaries, profits of employments, fees, and penſions, therein mentioned; and for granting a further*

4 G. 1. 2.

further additional duty on ale, beer, and ſtrong waters, and ſpirits perfectly made, and upon all ſpirits made and diſtilled of wine; and for ſecuring the repayment of fifty thouſand pounds ſterling, *formerly advanced unto his Majeſty for the uſe of the publick, together with the intereſt thereof,* be further granted, continued, raiſed, collected, levied, and paid unto your Majeſty, your heirs and ſucceſſors, from the twenty firſt day of November one thouſand ſeven hundred and nineteen until the twenty fifth day of December, which will be in the year of our Lord one thouſand ſeven hundred and twenty one incluſive.

Other additional duties continued to 25 December 1721.

III. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons having upon the twenty firſt day of November one thouſand ſeven hundred and nineteen, or who ſhall have at any time from the ſaid twenty firſt day of November one thouſand ſeven hundred and nineteen, until the twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty one incluſive, any office, ſallaries, profits of employments, fees, and penſions, upon the civil and military eſtabliſhments in this kingdom, ſhall pay unto his Majeſty, his heirs and ſucceſſors, the full ſum of four ſhillings *ſterling* a year out of every twenty ſhillings a year, which he, ſhe, or they, do or ſhall receive or be intituled unto, by reaſon of ſuch office, ſallaries, profits of employments, fees, and penſions, unleſs ſuch perſon or perſons do and ſhall live and actually reſide within this kingdom ſix calendar months at leaſt in each of the ſaid years; which ſaid tax or duty of four ſhillings *ſterling* a year out of every twenty ſhillings a year as aforeſaid, ſhall be ſtopped and deducted yearly, during the time and term aforeſaid, by the vice-treaſurer, pay-maſter, and receiver-general of his Majeſty's revenues, and be accounted for to his Majeſty, his heirs and ſucceſſors.

Perſons having ſalaries, *&c.* from 21 November 1719, to 25 December 1721, ſhall pay 4s. *per* pound, unleſs they reſide ſix months each year.

to be ſtopped by receiver-general.

IV. Provided always, and it is hereby declared, That this act ſhall not extend to charge the ſaid tax or duty of four ſhillings *ſterling* a year on every twenty ſhillings as aforeſaid upon the ſalary, penſions, fees, or profits, payable to the lord lieutenant, or other chief governor or governors of this kingdom for the time being, or the ſalaries, fee, penſion, pay, or profit of employment, payable to any perſon or perſons, who ſhall by his or their offices and employments be obliged to an immediate attendance upon the perſons of his ſacred Majeſty, or their royal Highneſſes the prince and princeſs of Wales, or their iſſue, during their continuance in ſuch their offices and employments, or to the half-pay officers, or officers in the army under the degree of a field officer.

Lord lieutenant, *&c.* exempted.

V. And be it enacted by the authority aforeſaid, That for a further ſupply to your Majeſty, all and every the rules, directions, powers, and authorities in the ſaid laſt mentioned act given and paſſed the laſt ſeſſion of parliament, relating to brewers mixing their beer and ale, and diſtillers diſtilling of ſtrong waters, and all penalties and forfeitures ariſing thereby and therefrom, ſhall be of full force to all intents and purpoſes from the ſaid twenty firſt day of November one thouſand ſeven hundred and nineteen, until the ſaid twenty fifth day of December one thouſand ſeven hundred and twenty one incluſive, and no longer.

Directions as to brewers, and the penalties continued to 25 December 1721.

VI. And be it further enacted by the authority aforeſaid, That for a further ſupply unto your Majeſty, the former additional duty of twenty ſhillings *ſterling* for every hundred pounds weight of molaſſes, and the like additional duty of twenty ſhillings *ſterling* for every hundred pounds weight of treacle, that ſhall be imported into this kingdom from and after the laſt day of this preſent ſeſſions of Parliament, ſhall be raiſed, levied, and paid to your Majeſty, your heirs and ſucceſſors, for the term of ſeven years, commencing from the laſt day of this preſent ſeſſion of Parliament, and from thence to the end of the next ſeſſion of Parliament after the expiration of the ſaid term of ſeven years.

Additional duty on molaſſes and treacle continued 7 years, *&c.*

VII. And be it further enacted by the authority aforeſaid, That from and after the firſt day of September one thouſand ſeven hundred and nineteen, there ſhall be throughout this your Majeſty's kingdom of Ireland, raiſed, levied, collected, and paid to your Majeſty, your heirs and ſucceſſors, from the ſaid firſt day of September one thouſand ſeven hundred and nineteen, until the twenty fifth day of December

Additional duty on coffee, tea, chocolate and cocoa-nuts.

cember, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty one incluſive, for and upon all coffee, tea, chocolate, and cocoa-nuts, the ſeveral additional rates and duties herein after mentioned: (that is to ſay) for every pound weight of tea imported during the time aforeſaid into this kingdom, twelve pence; and for every pound weight of coffee, chocolate, and cocoa-nuts imported into this kingdom during the time aforeſaid, three pence.

to be paid to truſtees for hempen manufacture.

VIII. And be it further enacted by the authority aforeſaid, That the ſaid additional duties on tea, coffee, chocolate, and cocoa-nuts, and all money ariſing thereby, ſhall be paid to the truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and ſupport the ſaid manufactures, and the trade thereof in this kingdom.

All ſaid duties to be levied as by 14 & 15 C. 2. 8. or any other Exciſe-law in force.

IX. And be it further enacted by the authority aforeſaid, That all and every the ſeveral additional duties aforeſaid, hereby continued and granted, ſhall be raiſed, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the term and terms aforeſaid, at the ſame time, and in the ſame manner, and by the ſame ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers, and in ſuch manner and form in all reſpects, as are preſcribed, mentioned, and expreſſed, in and by an act made in this kingdom in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; or by any other law now in force relating to the revenue or exciſe in this kingdom, as fully and effectually to all intents and purpoſes, as if the ſame were particularly repeated and again enacted in the body of this preſent act, with like remedy of appeal to and for the party grieved, as in and by the ſaid act of exciſe is provided.

Fees to vice-treaſurer, &c. out of aids granted this ſeſſion ſhall be accounted for.

X. And be it further enacted by the authority aforeſaid, That the ſix pence *per* pound, and all other fees, which ſhall or may be payable to the vice-treaſurer, receiver, or pay-maſter-general of this kingdom, for, or on account of, or out of, the aids granted unto his Majeſty this preſent ſeſſion of Parliament, ſhall be received by the ſaid vice-treaſurer, receiver, or pay-maſter general, for the uſe of his Majeſty, his heirs and ſucceſſors, and duly accounted for by him or them to his Majeſty, his heirs and ſucceſſors, as a further and additional aid hereby given and granted.

Reſolution in the firſt ſeſſion to make good loans paid into the treaſury,

XI. And whereas your Majeſty's faithful commons in the firſt ſeſſion of this Parliament, the better to enable your Majeſty to provide for the defence and ſecurity of this your kingdom, came to an unanimous reſolution, That whatever ſums of money ſhould be advanced and paid into your Majeſty's treaſury by any perſon or perſons at the inſtances of their excellencies the then lords juſtices, or other chief governour or governours of this kingdom for the time being, for the defence thereof, ſhould be made good, with legal intereſt for the ſame, out of ſuch aids as ſhould be granted to your Majeſty the next ſeſſion of Parliament: and whereas for the better ſecuring ſuch ſum or ſums of money as ſhould be ſo advanced, it is provided by an act paſſed in the ſaid firſt ſeſſion of this Parliament, intituled, *An act for continuing to his Majeſty the additional duty on beer, ale, ſtrong waters, tobacco, and other goods and merchandizes*, that ſuch ſum or ſums of money, as ſhould be ſo advanced and paid into your Majeſty's treaſury, ſhould be repaid unto ſuch perſon or perſons, as ſhould lend or advance the ſame, his or their executors, adminiſtrators, or aſſigns, with legal intereſt, out of the next aids to be granted by Parliament, without any deduction or abatement whatſoever: and whereas the ſum of fifty thouſand pounds hath been advanced and paid into your Majeſty's treaſury in purſuance of the ſaid reſolution and act of Parliament: and whereas in the former act paſſed the laſt ſeſſions of Parliament, it is recited, "That the ſaid ſum remained due and unſatisfied," and it is therein and thereby provided, "That ſuch perſon or perſons, who have advanced any ſum or ſums of money, being part of the ſaid principal ſum of fifty thouſand pounds, their executors, adminiſtrators, or aſſigns, ſhall have and receive, and be well and truly paid at the receipt of your Majeſty's exchequer, by

2 G. 1. 7. for ſecuring the ſame.

50,000, advanced in purſuance thereof.

4 G. 1. 2. recited.

" by the hands of the vice-treaſurer or pay-maſter-general, his or their deputy or " deputies, every ſix months the legal intereſt of the reſpective ſum or ſums of mo- " ney, ſo by them advanced, without fee or charge whatſoever, out of ſuch his " Majeſty's treaſure or revenue as ſhall come to his or their hands, until they are " reſpectively paid and ſatisfied the reſpective principal ſums ſo by them paid and " advanced; and that if any part of the ſaid principal ſum of fifty thouſand pounds " ſhall be due and unpaid on the twenty firſt day of November, which ſhall be in " the year of our Lord one thouſand ſeven hundred and nineteen, the ſame ſhall " be well and truly ſatisfied and paid unto the ſeveral and reſpective perſons, their " executors, adminiſtrators, or aſſigns reſpectively, to whom the ſame ſhall be " then due, together with ſuch legal intereſt for the ſame as ſhall be then " due, without any deduction, defalcation, or abatement, for or on any ac- " count of pells, poundage, or other fees, charges, or deductions whatſoever:"

ſaid debt not yet ſatisfied,

and whereas by the arrears now due to your Majeſty's eſtabliſhment, and the ſupport of the neceſſary branches thereof, the ſaid debt is not yet ſatisfied or paid, be it further enacted by the authority aforeſaid, That ſuch perſon or perſons, who have advanced or paid into your Majeſty's treaſury any ſum or ſums of money, being part of the ſaid principal ſum of fifty thouſand pounds, their executors, adminiſtrators, or aſſigns, ſhall continue to have and receive, and be well and truly paid, at the receipt of your Majeſty's Exchequer, by the hands of the vice-treaſurer, or pay-maſter general, his or their deputy or deputies, every ſix months the legal intereſt of the reſpective ſum or ſums of money, ſo by them advanced, without fee or charge, and free from all manner of deductions, defalcations, and abatements whatſoever, out of ſuch his Majeſty's treaſure as ſhall come to his or their hands, until they are reſpectively paid and ſatisfied the reſpective principal ſums ſo by them paid and advanced as aforeſaid; and that if any part of the ſaid principal ſum of fifty thouſand pounds ſhall be due and unpaid on the twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty one, the ſame ſhall be well and truly ſatisfied and paid unto the ſeveral and reſpective perſons, their executors, adminiſtrators, or aſſigns reſpectively, to whom the ſame ſhall be then due, together with ſuch legal intereſt for the ſame as ſhall be then due, without any deduction, defalcation, or abatement, for or on account of pells, poundage, or other fees, charges, or deductions whatſoever.

to be paid at the Exchequer.

XII. And be it further enacted by the authority aforeſaid, That the ſeveral ſums hereafter mentioned be paid out of the aforeſaid additional duties and aids, granted and continued to his Majeſty by this preſent act, to the perſons hereafter mentioned: (that is to ſay) three hundred pounds *ſterling* to Matthew Penefather eſquire, as a reward for his expence and trouble in preparing and ſtating the publick accounts of the nation laid before the houſe of commons this preſent ſeſſion of Parliament; three hundred pounds *ſterling* to Bruen Worthington, a clerk of the houſe of commons; two hundred pounds *ſterling* to Iſaac Ambroſe, a clerk of the houſe of commons; a further ſum of two hundred pounds *ſterling* to the ſaid Bruen Worthington and Iſaac Ambroſe, as a recompence for their extraordinary expence in preparing copies of the publick accounts for the members of the houſe; two hundred pounds *ſterling* to John Kerr, clerk aſſiſtant; three hundred pounds *ſterling* to Richard Povey, ſerjeant at arms attending the commons; two hundred and fifty pounds *ſterling* to William Bayly and Henry Buckley, the clerks attending the committee of accounts and other committees, to be equally divided between them; ſeventy pounds *ſterling* to John Fieldhouſe and John Mulloy, door-keepers of the houſe of commons, to be equally divided between them; which ſaid ſeveral ſums are given to the ſaid ſeveral perſons as rewards for their ſaid ſeveral ſervices, attendances, and expences this ſeſſion of Parliament; one hundred pounds to Francis Skiddie, a clerk in the late houſe of commons in the ſeſſion of Parliament one thouſand ſeven hundred and thirteen, as a reward for his attendance and ſervice that

Sums to be paid to ſeveral perſons, as a reward for ſervices.

ſeſſion

A. D. 1719. ſeſſion of Parliament, and five hundred pounds *ſterling* to Stephen Coſtilloe, for the many ſervices performed by him to the publick; all which ſaid ſeveral ſums are to be paid by the vice-treaſurer or receiver-general of this kingdom, without any further or other warrant to be ſued for, had, or obtained in that behalf.

CHAP. V.

An act for exempting the proteſtant diſſenters of this kingdom from certain penalties, to which they are now ſubject.

1 *W.* & *M.* 18 *Eng.* 10 *Anne* 2. *Eng.*

WHEREAS the granting ſome eaſe and indulgence to the proteſtant diſſenters in the exerciſe of religion, may be an effectual means to unite his Majeſty's proteſtant ſubjects in intereſt and affection; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That a clauſe or branch of a ſtatute, made in the ſecond year of the reign of the late Queen Elizabeth, intituled, *An act for the uniformity of Common Prayer and ſervice in the church, and the adminiſtration of the ſacraments*, whereby it is enacted, "That all and every perſon "and perſons inhabiting within this realm ſhould diligently and "faithfully, having no lawful or reaſonable excuſe to be abſent, "endeavour themſelves to reſort to their paroch church or chap-"pel accuſtomed, or, upon reaſonable lett thereof, to ſome uſual "place, where common prayer and ſuch ſervice of God ſhould "be uſed in ſuch time of lett, upon every Sunday and other "days ordained and uſed to be kept as holy days, and then and "there to abide orderly and ſoberly during the time of the Com-"mon Prayer, preachings, or other ſervice of God there to be "uſed and miniſtred, upon pain of puniſhment by the cenſures "of the church; and alſo upon pain, that every perſon ſo of-"fending ſhall forfeit for every ſuch offence twelve pence, to be "levied by the church-wardens of the pariſh, where ſuch offence "ſhall be done, of the goods, lands, and tenemements, of ſuch "offenders by way of diſtreſs," ſhall not be conſtrued to extend to any perſon or perſons, being proteſtants diſſenting from the church of Ireland, that ſhall in ſuch manner and form, as is herein after preſcribed, take the ſeveral oaths following, *viz.*

Clauſe in 2 *Eliz.* 2. *Sec.* 3. not to extend to proteſtant diſſenters, taking the following oaths and declaration.

3 *and* 4 *W. and M.* 2. *Eng.*

Oath of allegiance, *I* A. B. *do ſincerely promiſe and ſwear, that I will be faithful and bear true allegiance to his Majeſty King George.*

So help me God.

I A. B.

I A. B. *do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated, or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, prehemínence, or authority, ecclesiastical or spiritual within this realm.*

So help me God.

A. D. 1719. Chap. 5. Supremacy,

And shall at the same time make and subscribe the declaration following: *viz.*

I A. B. *do solemnly and sincerely in the presence of God profess, testify, and declare, That I do believe, that in the sacrament of the Lord's-Supper there is not any transubstantiation of the elements of bread and Wine into the body and blood of Christ at or after the consecration thereof by any person whatsoever; and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the church of Rome, are superstitious and idolatrous. And I do solemnly in the presence of God profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by Protestants, without any evasion, equivocation, or mental reservation whatsoever; and without any dispensation already granted me for this purpose by the Pope, or any other authority or person whatsoever, or without any hope of dispensation from any person or authority whatsoever, or without believing that I am, or can be, acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null and void from the beginning.*

Declaration.

And shall also at the same time take the oath following:

I A. B. *do truly and sincerely acknowledge, profess, testify, and declare in my conscience before God and the world, That our sovereign lord King George is lawful and rightful King of Great Britain, and of this realm, and of all other his Majesty's dominions and countries to the realm of Great Britain belonging; and I do solemnly and sincerely declare, that I do believe in my conscience, that the person pretended to be prince of Wales during the life of the late King James, and since his decease pretending to be, and taking upon himself, the stile and title of King, of England, by the name of James the third, or of Scotland, by the name of James the eighth,*

Abjuration. 1 G. 1. 13. *Eng.*

A. D. 1719. Chap. 5.

or the ſtile and title of King of Great Britain, hath not any right or title whatſoever to the crown of Great Britain, or of this realm, or of any other his Majeſty's dominions or countries to the realm of Great Britain belonging: and I do renounce, refuſe, and abjure, any allegiance or obedience to him: and I do ſwear, that I will bear faith and true allegiance to his Majeſty King George, and him will defend to the utmoſt of my power againſt all traiterous conſpiracies and attempts whatſoever, which ſhall be made againſt his perſon, crown, or dignity; and I will do my utmoſt endeavours to diſcloſe and make known to his Majeſty, and his ſucceſſors, all treaſons and traiterous conſpiracies, which I ſhall know to be againſt him, or any of them: and I do faithfully promiſe to the utmoſt of my power to ſupport, maintain, and defend the ſucceſſion of the crown againſt him the ſaid James, and all other perſons whatſoever; which ſucceſſion by an act, intituled, An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject, *is and ſtands limitted to the princeſs Sophia, electoreſs and dutcheſs dowager of Hannover, and the heirs of her body being proteſtants: and all theſe things I do plainly and ſincerely acknowledge and ſwear according to theſe expreſs words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, mental evaſion, or ſecret reſervation whatſoever: and I make this recognition, acknowledgment, abjuration, renunciation and promiſe, heartily, willingly, and truly, upon the true faith of a chriſtian:*

So help me God.

at quarter ſeſſions.

Which oaths and declaration the juſtices of peace at the general or quarter ſeſſions of the peace, to be held for the county or place where ſuch perſon ſhall live, are hereby required to tender and adminiſter to ſuch perſon or perſons, as ſhall offer themſelves to take, make, and ſubſcribe the ſame, and thereof to keep a regiſter; and likewiſe none of the perſons aforeſaid ſhall give or pay any fee or reward to any officer or officers belonging to the court aforeſaid above the ſum of ſix pence, and that not more than once, for his or their entry of his taking the ſaid oaths, and making and ſubſcribing the ſaid declaration; nor above the farther ſum of ſix pence for any certificate of the ſame, to be made out and ſigned by the officer or officers of the ſaid court; which certificate ſuch officer or officers are hereby required to make out and ſign upon the reaſonable requeſt of the perſon or perſons, ſo taking and ſubſcribing as aforeſaid.

Fee for entry 6*d.*

for certificate 6*d.*

Preacher or teacher in religious aſſembly of diſ-

II. Provided always, and be it further enacted by the authority aforeſaid, That if any aſſembly of perſons, diſſenting from the church of Ireland, ſhall be had in any place for religious worſhip

worſhip with the doors locked, barred, or bolted, during any time of ſuch meeting together, the preacher or teacher in ſuch aſſembly ſhall for ſuch offence forfeit the ſum of ten pounds; and every other perſon or perſons, that ſhall come to and be at ſuch meeting, ſhall ſuffer and forfeit the penalty of ten ſhillings; which ſaid penalties of ten pounds and ten ſhillings reſpectively ſhall go, the one moiety to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, and the other moiety to ſuch perſon or perſons as ſhall ſue for the ſame, ſo as the ſaid penalties be ſued for at the general aſſizes, which ſhall be held next after ſuch offence committed, for ſuch county, or county of a city, where ſuch offence ſhall be committed, by civil bill, or by action of debt, bill, plaint, or information.

A. D. 1719. Chap. 5.

Senters with doors locked forfeit 10*l.* Perſons preſent 10*s.* to the poor and proſecutor, at next aſſiſes.

III. Provided always, That nothing herein contained ſhall be conſtrued to exempt any of the perſons aforeſaid from paying of tithes, or other parochial duties, or any other duties to the church or miniſter, nor from any proſecution in any eccleſiaſtical court or elſewhere, for the ſame.

Not to exempt them from tithes or parochial duties.

IV. And be it further enacted by the authority aforeſaid, That if any perſon, diſſenting from the church of Ireland as aforeſaid, ſhall hereafter be choſen or otherwiſe appointed to bear the office of high conſtable or petty conſtable, church-warden, overſeer of the poor, or any other parochial or ward-office, and ſuch perſon ſhall ſcruple to take upon him any of the ſaid offices, in regard of the oaths, or any other matter or thing required by the law to be taken or done in reſpect of ſuch office, every ſuch perſon ſhall and may execute ſuch office or employment by a ſufficient deputy by him to be provided, that ſhall comply with the laws on this behalf.

Diſſenters choſen for parochial or ward office may execute by deputy complying with the laws;

V. Provided always, the ſaid deputy be allowed and approved by ſuch perſon or perſons, in ſuch manner, as ſuch officer or officers reſpectively ſhould by law have been allowed and approved.

if allowed and approved of.

VI. Provided, That every perſon or perſons, who ſhall execute any of the aforeſaid offices by deputy, ſhall be liable and anſwerable for all money, that ſhall come to the ſaid deputies hands by reaſon of ſuch office, in the ſame manner as if he himſelf had executed the ſaid office in his own perſon, and ſuch moneys had come into his hands by virtue thereof.

Anſwerable for money come to deputy's hands.

VII. And it is hereby further enacted, That no biſhop of any dioceſs, or other ordinary within this kingdom, ſhall be obliged to approve the ſame perſon as deputy church-warden for the ſame pariſh or place two years ſucceſſively.

Ordinary not obliged to approve ſame deputy as church-warden for ſame place two years.

VIII. And

A. D. 1719. Chap. 5.

VIII. And be it further enacted by the authority aforeſaid, That no perſon, being a proteſtant diſſenting from the church of Ireland, in holy orders, or pretended holy orders, or pretending to holy orders, or any preacher or teacher of any congregation of diſſenting proteſtants, that ſhall make and ſubſcribe the declaration aforeſaid, and take the ſaid oaths at the general or quarter ſeſſions of the peace to be held for the county, town, part, place, or diviſion, where ſuch perſon lives, which court is hereby impowered to adminiſter the ſame, ſhall be liable to the penalty of one hundred pounds, or any other pains or penalties mentioned in an act made in the ſeventeenth and eighteenth years of the reign of King Charles the ſecond, intituled, *An act for the uniformity of publick prayers and adminiſtration of ſacraments, and other rites and ceremonies; and for eſtabliſhing the form of making, ordaining, and conſecrating biſhops, prieſts, and deacons in the church of Ireland*; for conſecrating or adminiſtering the ſacrament of the Lord's ſupper; or for preaching or officiating in any congregation permitted and allowed by this act for the exerciſe of religion.

Diſſenting miniſters or teachers, taking ſaid oaths, &c. not liable to penalties 17 and 18 *C.* 2. 6. for officiating, &c. in congregation permitted by this act.

IX. Provided always, That the making and ſubſcribing the ſaid declaration, and the taking the ſaid oaths in manner aforeſaid, by every reſpective perſon or perſons herein before mentioned, at ſuch general or quarter ſeſſions of the peace as aforeſaid, ſhall be then and there entered of record in the ſaid court, for which ſix pence ſhall be paid to the clerk of the peace, and no more.

Taking ſaid oaths, &c. ſhall be entered at ſeſſions,

6*d.* to clerk of peace.

X. And whereas ſome diſſenting proteſtants ſcruple the baptizing of infants: be it further enacted by the authority aforeſaid, That every perſon in pretended holy orders, or pretending to holy orders, or preacher or teacher, that ſhall make and ſubſcribe the ſaid declaration, and take the ſaid oaths in manner aforeſaid, every ſuch perſon ſhall enjoy all the privileges, benefit, and advantages, which any other diſſenting miniſter as aforeſaid might have or enjoy by virtue of this act.

Perſons pretending to holy orders, &c. taking ſaid oaths, &c. ſhall enjoy all privileges, which diſſenting miniſters might by this act.

XI. And be it further enacted by the authority aforeſaid, That every teacher or preacher in holy orders, or pretended holy orders, that is a miniſter, preacher, or teacher of a congregation, that ſhall take the oaths herein required, and make and ſubſcribe the declaration as aforeſaid, ſhall be thenceforth exempted from ſerving upon any jury, or from being choſen or appointed to bear the office of church-warden, overſeer of the poor, or any other parochial or ward-office, or other office, in any barony, county, city, town, or pariſh.

Exempted from ſerving on juries, parochial or ward offices, &c.

XII. Provided

XII. Provided always, and it is the true intent and meaning of this act, That all the laws made and provided for the frequenting of divine ſervice on the Lord's day, commonly called Sunday, ſhall be ſtill in force, and executed againſt all perſons that offend againſt the ſaid laws, except ſuch perſons reſort to ſome congregation or aſſembly of religious worſhip, allowed or permitted by this act. A. D. 1719. Chap. 5.

All laws, for frequenting divine ſervice on Sunday, in force, unleſs ſome allowed religious aſſembly reſorted to.

XIII. Provided always, and be it further enacted by the authority aforeſaid, That neither this act, nor any clauſe, article, or thing therein contained, ſhall extend, or be conſtrued to extend, to give any eaſe, benefit, or advantage, to any papiſt or perſon profeſſing the popiſh religion; or to any perſon, who in his preaching or writing ſhall deny the doctrine of the Bleſſed Trinity, as it is declared in The Thirty Nine Articles, agreed upon by the archbiſhops and biſhops, and the whole clergy, in convocation holden at London in the year of our Lord one thouſand five hundred and ſixty two, and referred to in the aforeſaid act made the ſeventeenth and eighteenth of King Charles the ſecond.

Not to give advantage to papiſts, or perſons denying the Trinity as in the 39 articles 1562, 17 and 18 *C.* 2. 6. *Sec.* 11.

XIV. Provided always, and be it further enacted by the authority aforeſaid, That if any perſon or perſons at any time or times after the firſt day of January one thouſand ſeven hundred and nineteen do or ſhall willingly, and of purpoſe, maliciouſly or contemptuouſly, come into any cathedral or pariſh-church, chappel, or other congregation permitted by this act, and diſquiet or diſturb the ſame, or miſuſe any preacher or teacher, ſuch perſon or perſons, upon proof thereof before any juſtice of the peace by two or more ſufficient witneſſes, ſhall find two ſureties, to be bound by recognizance in the penal ſum of fifty pounds, to appear at the next general or quarter ſeſſions to be held for the county, wherein ſuch offence ſhall be committed, and in default of ſuch ſureties ſhall be committed to priſon, there to remain till the next general or quarter ſeſſions, and, upon conviction of the ſaid offence at the ſaid general or quarter ſeſſions, ſhall ſuffer the pain and penalty of twenty pounds, to the uſe of the King's Majeſty, his heirs and ſucceſſors.

Diſturbers of any congregation permitted ſhall find two ſureties in 50*l.* to appear next ſeſſions, or committed till then,

Penalty on conviction 20*l.* to the King.

XV. Provided always, That no congregation or aſſembly for religious worſhip ſhall from and after the ſaid firſt day of January one thouſand ſeven hundred and nineteen be permitted or allowed by this act, until the place of ſuch meeting ſhall be certified to the biſhop of the dioceſs, or to the archdeacon of that archdeaconry, or to the juſtices of the peace at the general or quarter ſeſſions of the peace for the county, city, or place, in which ſuch meeting ſhall be held, and regiſtred in the ſaid biſhops or archdeacon's court reſpectively, or recorded at the general or quarter ſeſſions; the regiſter or clerk of the peace whereof reſpectively, is

No congregation allowed till the place certified to biſhop, *&c.* and regiſtered or recorded.

A. D. 1719. Chap. 5.

is hereby required to regiſter the ſame, and to give certificate thereof to ſuch perſon as ſhall demand the ſame, for which there ſhall be no greater fee or reward taken, than the ſum of ſix pence.

Certificates thereof to be given, paying 6*d.*

XVI. Provided always, and be it further enacted by the authority aforeſaid, That all and every perſon and perſons, that ſhall take the ſaid oaths, and make and ſubſcribe the declaration as aforeſaid, ſhall be exempted and diſcharged from all pains, penalties, and forfeitures, hitherto incurred by virtue of the herein before mentioned ſtatute, made in the ſecond year of her late Majeſty Queen Elizabeth, or of one other ſtatute made in the ſeventeenth and eighteenth year of the reign of King Charles the ſecond, intituled, *An act for the uniformity of publick prayers, and adminiſtration of the ſacraments, and other rites and ceremonies; and for eſtabliſhing the form of making, ordaining, and conſecrating biſhops, prieſts, and deacons in the church of Ireland.*

Perſons taking the oaths, &c. exempted from all penalties incurred by 2 *Eliz.* 2. or 17 & 18 *C.* 2. 6.

Quakers ſubſcribing following declaration exempted from penalties of ſaid ſtatutes.

XVII. And whereas there are certain other perſons, diſſenters from the church of Ireland, commonly called Quakers, who ſcruple the taking of any oath; be it further enacted by the authority aforeſaid, That every ſuch perſon, who ſhall make and ſubſcribe the declaration following, if thereunto required as aforeſaid,

1 G. 1. 13. *Eng.*

I A. B. *do truely and ſincerely acknowledge, profeſs, teſtifie, and declare, That King George is lawful and rightful King of the realm of Great Britain and Ireland, and all other the dominions and countries to the realm of Great Britain belonging, and I do promiſe and engage to be a true and faithful ſubject to him and his ſucceſſors in the proteſtant line as now by law eſtabliſhed, and that I will not plot or contrive any miſchief or hurt to him or them, or be any way concerned therein, but will do my beſt endeavour to diſcloſe and make known to the King and his ſucceſſors, or thoſe in authority under him or them, all treaſons and traiterous conſpiracies, which I ſhall know to be againſt him or any of them, and I do believe in my conſcience, that the perſon pretending to be the prince of Wales during the life of the late King James, and ſince his deceaſe pretending to be and taking upon him the ſtile and title of King of England, by the name of James the third, and of Scotland by the name of James the eighth, hath not any right or title whatſoever to the crown of the realms of Great Britain or Ireland, or any of the dominions to the realm of Great Britain belonging, and I do renounce and refuſe any allegiance and obedience to him, nor do I believe the Pope or biſhop of Rome is Chriſt's vicar on earth, or that he hath power to depoſe princes on any pretence whatſoever, or abſolve me, or any of the King's ſubjects, of their obedience to him or his ſucceſſors, or any ſubjects of their obedience to their lawful Prince, and I alſo believe the popiſh doctrine of purgatory, praying for the dead, indul-*

gences

gences and worshipping of images, of adoring and praying to the Virgin Mary, or other saints deceased, of transubstantiation, or changing the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever, and of killing hereticks, are false, erroneous and contrary to the truth declared in the holy scriptures, and therefore believe the communion of the church of Rome is superstitious and idolatrous, and all this I acknowledge, declare, and subscribe, without any equivocation or mental reservation, according to the true plainness and simplicity, and usual signification of the words,

Shall be exempted from all pains and penalties of the forementioned statutes, and shall enjoy all other the benefits, privileges, and advantages, under the like limitations, provisoes, and conditions, which any other protestant dissenters shall or ought to enjoy by virtue of this act; any thing in this act contained to the contrary thereof in any wise notwithstanding.

And enjoy like benefits as other dissenters.

XVIII. And be it further enacted by the authority aforesaid, That no dissenter or dissenters, who shall take the oaths and subscribe the declaration as aforesaid, shall be prosecuted in any ecclesiastical court, for or by reason of his or their nonconforming to the church of Ireland, as by law established.

Dissenters taking oaths, &c. not to be prosecuted in ecclesiastical court for non conformity.

XIX. And for rendring this act more effectual, according to the true intent and meaning thereof, be it further enacted and declared by the authority aforesaid, That if any person, being a protestant dissenting from the church of Ireland, not being in holy orders, or pretended holy orders, or pretending to holy orders, not being any preacher or teacher of any congregation, who would be intituled to the benefit of this present act, if such person shall have duly taken, made, and subscribed the oaths and declarations, or otherwise qualified him or herself, as required by this act, and now is or shall be prosecuted for or by reason of nonconformity to the church of Ireland, as by law established, or upon any of the penal statutes, from which protestant dissenters are exempted by this act, shall at any time during such prosecution take, make, and subscribe the said oaths and declaration, or, being of the people called Quakers, shall make and subscribe the aforesaid declaration according to this present act, or before any two justices of the peace, who are hereby required to take and return the same to the next quarter sessions of the peace, to be there recorded; such person shall be and is hereby intituled to the benefit of this act as fully and effectually, as if such person, before such prosecution was commenced, had duly qualified himself in the manner prescribed by this present act; and every such prosecution shall thenceforth cease, and every such person shall be thenceforth

Dissenters prosecuted for non conformity, and qualifying, the prosecution shall cease, and intitled to benefit of this act as if done before.

A. D. 1719. thenceforth exempted and diſcharged from all the penalties and forfeitures incurred by force of any of the aforeſaid penal ſtatutes.

CHAP. VI.

An Act to prevent delays in writs of error, and for the further amendment of the law.

5 G. 1. 13. *Eng.*

WHEREAS great delay of juſtice hath of late years been occaſioned by defective writs of error, which as the law now ſtands are not amendable: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all writs of error now depending, or which ſhall hereafter be brought, wherein there ſhall be any variance from the original record, or other defect, may and ſhall be amended and made agreeable to ſuch record, or the tranſcript thereof, by the reſpective courts, where ſuch writ or writs of error ſhall be made returnable; and that where any verdict hath been or ſhall be given in any action, ſuit, bill, plaint, or demand, in any of his Majeſty's courts of record at the Four-courts in Dublin, or in any other court of record within this kingdom of Ireland, the judgment thereon ſhall not be ſtayed or reverſed for any defect or fault either in form or ſubſtance in any bill, writ original or judicial, or for any variance in ſuch writs from the declaration or other proceedings.

Variance or defect in writs of error amendable in the court where returnable.

Judgment on verdict not to be ſtayed for defect in form or ſubſtance, or variance,

II. Provided nevertheleſs, That nothing herein contained ſhall extend, or be conſtrued to extend, to any appeal of murther, or to any proceſs upon any indictment, preſentment, or information of or for any offence or miſdemeanor whatſoever.

except on appeal of murther, indictment, preſentment or information.

III. And be it further enacted by the authority aforeſaid, That no ancient judgment in any real or perſonal action ſhall from and after the three and twentieth day of January next be reverſed or avoided for any error or defect therein, unleſs the writ of error or ſuit for reverſing ſuch judgment be commenced, or brought and proſecuted with effect, within twenty years after ſuch judgment ſigned or entered of record.

No ancient judgment to be reverſed for error, unleſs in 20 years,

IV. Provided always, That if any perſon, who is or ſhall be entituled to any ſuch writ of error as aforeſaid, ſhall at the time of ſuch title accrued be within the age of twenty one years, or *covert*, *non compos mentis*, impriſoned, or beyond the ſeas, that then ſuch perſon, his or her executors or adminiſtrators, notwithſtanding the ſaid twenty years expired, ſhall and may bring his, her,

except in caſe of impediment, if in 5 years after removed.

her, or their writ of error for the reverſing any ſuch judgment as he or they might have done in caſe this act had not been made, ſo as the ſame be done within five years after his or her full age, diſcoverture, coming of ſound mind, enlargement out of priſon, or returning from beyond the ſea, or death, but not afterwards or otherwiſe. A. D. 1719. Chap. 6.

Anſwers by quakers to bills in Chancery, &c. making affirmation.

V. And whereas certain perſons, commonly called Quakers, alledge that they are perſuaded in conſcience, That the taking of an oath in any caſe whatſoever is contrary to the law of God, contained in the New Teſtament, and are frequently debarred and ſtopt at law from recovering their juſt demands, by reaſon that the perſons, who are ſued and proſecuted by them, though for juſt debts, do oftentimes commence bills in equity in order to obtain injunctions for want of their anſwers, and they are often made parties to bills, wherein they are no ways concerned: be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord chancellor, lord keeper, or other the lords commiſſioners of the great ſeal for the time being; and alſo to and for the chancellor, treaſurer, lord chief baron, and other the barons of his Majeſty's court of Exchequer in this kingdom for the time being, to take, or cauſe, or order to be taken, the anſwers of the ſaid people, called Quakers, as aforeſaid, to any bill or bills exhibited before them in their reſpective courts, they the ſaid Quakers, who ſhall be obliged to give in their anſwers with their reſpective names or marks ſubſcribed, making the affirmation before the perſon or perſons authorized, or appointed by commiſſion to take their anſwers, in the manner following:

The affirmation. 10 *G.* 1. 8. 1 *G.* 2. 5. 9 *G.* 2. 16. 19 *G.* 2. 18.

I A. B. *do hereby ſincerely and ſolemnly declare, That I am perſwaded in my conſcience that the taking of an oath in any caſe whatſoever is contrary to the law of God contained in the New teſtament; and, being throughly convinced thereof, I do farther ſincerely and ſolemnly declare, That the anſwer I here give is in all points true, according as I give the ſame, and as the ſame is ſet forth in this preſent writing, to which I have ſubſcribed my name, or made my mark.*

written and ſigned at the bottom, and witneſſed by ſix-clerk, &c.

Which affirmation ſhall be writ at large at the bottom of the parchment, whereon ſuch anſwer ſhall be engroſſed, and the name or names ſigned by the perſon or perſons, who ſhall give in the ſame, if he or ſhe can write, and his, her, or their mark or marks be put thereunto, if he, ſhe, or they cannot write, and witneſſed by the ſix-clerk, or attorney, or ſollicitor, who ſhall be concerned for him, her, or them ſo ſigning the ſame; and if

A. D. 1719. Chap. 6.

any ſuch Quaker or Quakers ſhall declare contrary to the truth required in the preſent caſe, and be thereof convict either upon indictment or information, he, ſhe, or they ſhall be liable to, and ſuffer ſuch pains and penalties, as perſons convict of wilful and corrupt perjury are liable to by the laws and ſtatutes of this realm.

liable to penalties for perjury.

7 & 8 *Wil.* 3. 34. *Eng.*

VI. Provided always, That no perſon or perſons ſhall be deemed a Quaker within the intention of this act, unleſs he, ſhe, or they, ſhall produce a certificate or certificates thereof to the court or courts, wherein he, ſhe, or they are ſued, under the hands of ſix credible perſons of their own congregation, of his or her being of that profeſſion at leaſt three years then laſt paſt.

No one deemed a quaker without certificate of 6 credible quakers, of being of that profeſſion 3 years.

5 *years, by* 1 *G.* 2. 5.

VII. And whereas recognizances taken by his Majeſty's judges of this land, or the chief baron, or other barons of his Majeſty's court of Exchequer, are frequently loſt or miſlaid by the negligence of their clerks: be it therefore enacted by the authority aforeſaid, That all recognizances taken in his Majeſty's courts of King's bench, Common pleas, or Exchequer, and the original book wherein they are taken, ſhall at the end of each term in every year be delivered up to the prothonotaries of his Majeſty's court of King's bench or Common pleas, or to the chief remembrancer of the ſaid court of Exchequer reſpectively, by the reſpective judges in each court, to remain there, until they ſhall be vacated, as records in ſuch courts.

Recognizances frequently loſt:

Recogniſances, and the book wherein, ſhall be delivered every term to prothonotaries or chief remembrancer.

VIII. And whereas many oppreſſions and great hardſhips and impoſitions are daily practiſed in the ſeveral inferior courts of this kingdom, by means of actions levied and taken out without any juſt cauſe of ſuit againſt divers of his Majeſty's liege ſubjects for great ſums of money, on which the defendants in ſuch actions are often impriſoned for want of great bail inhabiting within the franchiſes or juriſdictions of the city, town, borough, liberty, mannor, or place wherein ſuch action or actions are levied, and where ſuch defendants are ſtrangers unacquainted, and often only travellers and trading in and to divers parts of this kingdom, and in many caſes ſuch actions have been ſued forth by bailiffs and other evil perſons in the name of feigned plaintiffs, and ſometimes in the names of perſons of little or no ſubſtance, who have no juſt cauſe of ſuit, to the great detriment of trade and oppreſſion of many of his Majeſty's ſubjects: for remedy whereof be it further enacted by the authority aforeſaid, That from and after the firſt day of January one thouſand ſeven hundred and nineteen, in all and every caſe and caſes, wherein any action or actions ſhall be commenced or ſued forth by, for, or in the name of any perſon or perſons whatſoever, or in the name of any bodies corporate or politick againſt any perſon or perſons whatſoever in or out of any court or courts to

Oppreſſion by groundleſs ſuits in inferior courts,

in actions in county courts, franchiſes, &c. for more than 10 l. defendant not to be held to ſpecial bail, unleſs plaintiff by ſpecialty or

to be held or holden for or within any county of a city or county of a town within this kingdom of Ireland, or for or within any burrough, mannor, liberty, juriſdiction, or franchiſe within this kingdom, for any ſum or ſums of money whatſoever exceeding the ſum of ten pounds *ſterling*, in debt, detinue, trover, treſpaſs, or action of treſpaſs on the caſe; no perſon or perſons, whoſe body or bodies ſhall be thereon arreſted, ſhall be held to ſpecial bail, unleſs the plaintiff or plaintiffs, his or their agent or agents, or manager, or his or their attorney, ſhall before the mayor, ſovereign, ſeneſchal, or other magiſtrate or magiſtrates, officer or officers, legally impowered and authorized to hold court of pleas where ſuch action ſhall be commenced or ſued forth, or his or their lawful deputy or deputies, on application to him or them to that end made by petition or otherwiſe by the defendant or defendants arreſted, make appear by bond, bill, note, deed, leaſe, counter part of leaſe, or other ſpeciality, or by ſome ſufficient affidavit, that ſuch plaintiff or plaintiffs hath or have good and ſufficient cauſe of action or ſuit againſt ſuch defendant or defendants ſo arreſted; and no defendant or defendants ſo arreſted ſhall be held or obliged, on any action of debt ſo ſued forth, to give ſpecial bail for any greater ſum, than what ſhall be ſo made appear to be due to the plaintiff or plaintiffs in ſuch action of debt from ſuch defendant or defendants as aforeſaid, nor on any action of detinue, treſpaſs, trover, or actions of treſpaſs on the caſe, but where the plaintiff or plaintiffs, his or their attorney or agent, ſhall by ſufficient affidavit make appear his or their cauſe of ſuit or action, and thereon the defendant or defendants in every ſuch action ſhall not be held or obliged to give ſpecial bail for more than double the ſum, which ſhall be made appear by ſuch affidavit as aforeſaid to be the juſt demand of the plaintiff or plaintiffs therein named againſt ſuch defendant or defendants ſo arreſted; and in all ſuch caſe and caſes, wherein ſuch cauſe of bail as aforeſaid ſhall not be made appear in manner aforeſaid on ſuch application, to that end made as aforeſaid, the deſendant or defendants ſo arreſted ſhall be diſcharged out of cuſtody and confinement, on entring his or their appearance to ſuch action by his attorney.

A. D. 1719. Chap. 6.

affidavit ſhews good cauſe of action,

nor on any action of debt to give ſpecial bail for more than what ſo made appear to be due,

nor on *detinue*, *treſpaſs*, *trover*, or *caſe*, but where by affidavit cauſe of action ſhewn: and thereon defendant not held to ſpecial bail for more than double.

Where cauſe of bail not ſo made to appear, defendant ſhall be diſcharged on appearance by attorney,

IX. And for the more effectual preventing of all vexatious ſuits and dilatory proceedings in eccleſiaſtical courts; be it enacted by the authority aforeſaid, That from and after the firſt day of October in the year one thouſand ſeven hundred and nineteen, no citation *ex mero officio* ſhall be iſſued out of any eccleſiaſtical court within this kingdom againſt any perſon whatſoever on account of any crime or immorality, which is puniſhable or corrigible by the eccleſiaſtical law, except ſuch crime or immorality ſhall in the manner hereafter mentioned appear to have been committed

to prevent vexatious ſuits in eccleſiaſtical courts, no citation *ex mero officio*, except the crime in 2 years before.

A. D. 1719. committed within two years next and immediately before the iſſuing of ſuch citation.

Chap. 6.

Voluntary promoter or credible witneſs ſhall before the citation be perſonally examined on oath by eccleſiaſtical judge of the grounds.

X. And be it further enacted, That from and after the day aforeſaid every voluntary promoter of office, applying to any eccleſiaſtical judge for the iſſuing a citation on account of any crime or immorality aforeſaid, or ſome credible witneſs, voluntarily offering himſelf to be produced by the ſaid promoter, and to be examined, ſhall before the obtaining of ſuch citation be perſonally interrogated and examined upon oath by ſuch eccleſiaſtical judge concerning the grounds and reaſons of iſſuing ſuch citation, which ſaid oath every eccleſiaſtical judge is hereby impowered to adminiſter to ſuch promoter or witneſs; and all eccleſiaſtical judges reſpectively are hereby required to cauſe the examination of ſuch promoter or witneſs to be reduced into writing and ſubſcribed by the examinant, and to atteſt the ſame, as repeated before him the ſaid judge, and then to lodge ſuch written examination ſo atteſted in the regiſtry of the court, whereof he is judge; and in caſe it ſhall not appear by ſuch examination, that the ſaid crime or immorality has been committed within two years as aforeſaid, no citation ſhall iſſue; and after publication is decreed, the ſaid judge ſhall cauſe the ſaid examination to be annexed unto ſuch depoſitions, as are taken in the cauſe then depending on ſuch citation, and if upon hearing of the ſaid cauſe it ſhall appear, that ſuch voluntary promoter has failed in proving what in the ſaid examination was alledged, ſuch promoter ſhall be condemned in double coſts.

Examination to be reduced to writing, ſubſcribed and atteſted, and lodged in regiſtry of the court;

and, after publication, annexed to the depoſitions;

Promoter failing to prove it, condemned in double coſts,

the like proceeding on preſentment to eccleſiaſtical judge:

XI. And for the better ſecuring of all perſons from being proſecuted in any eccleſiaſtical court upon ſuch preſentments, as may unadviſedly be grounded on uncertain rumours and malicious reports: be it enacted, That from and after the day aforeſaid all perſons whatſoever, who by law are required or enabled to make any preſentments unto any eccleſiaſtical judge, ſhall before ſuch preſentment be received, and citation thereon granted, upon oath be interrogated and examined, or produce ſome credible witneſs to be interrogated and examined as aforeſaid, by the eccleſiaſtical judge, unto whom ſuch preſentment is made; which oath every eccleſiaſtical judge is hereby impowered to adminiſter in like manner as is before enacted in the caſe of a voluntary promoter; which ſaid examination every ſuch judge is hereby required to cauſe to be reduced into writing, and to atteſt, as alſo to lodge in the regiſtry, and to annex the ſame unto the depoſitions in manner above mentioned; and in caſe it ſhall not appear by the ſaid examination, that there is good and ſufficient ground for ſuch preſentment, or that the crime or immorality in ſuch preſentment mentioned was committed within two years next and immediately before

before the making thereof no citation ſhall iſſue thereupon; and, if upon hearing the ſaid cauſe upon ſuch preſentment inſtituted or depending, the allegations in ſuch examination contained ſhall not be ſufficiently proved, or if the perſon preſented ſhall otherwiſe purge himſelf according to law from the charge of ſuch crime or immorality, for which he is ſo preſented, ſuch perſon ſhall forthwith be diſmiſſed without any fees to be paid to any perſon whatſoever. A. D. 1719. Chap. 6.

If allegations not proved or preſentee purge himſelf, diſmiſſed without any fees.

XII. And be it further enacted, That from and after the day above mentioned all citations by any eccleſiaſtical judge, to be iſſued either at the inſtance of ſuch voluntary promoter of the office, or upon preſentment as aforeſaid without ſuch examinations, as are herein before required to warrant and ſupport the proſecution, ſhall be of none effect, and all proceedings thereon ſhall be and are hereby declared to be null and void.

Citations without ſuch examination, and all proceedings thereon, void.

XIII. And to prevent all expences and unneceſſary delays in cauſes of defamation; be it further enacted by the authority aforeſaid, That in all cauſes hereafter to be commenced in any eccleſiaſtical court, on account of defamation cognizable in the eccleſiaſtical court, it ſhall and may be lawful for the eccleſiaſtical judge of ſuch court, at the motion of either party, to proceed in a ſummary way, and that ſuch ſummary way of proceeding in every or any cauſe of defamation ſhall by the authority of this act be reckoned and deemed to be to all intents and purpoſes as good and valid, as if the ſame had been in the ordinary and plenary way; any law or cuſtom to the contrary notwithſtanding.

In cauſes of defamation eccleſiaſtical judge may on motion of either proceed ſummarily.

XIV. Provided always, That nothing in this act ſhall extend, or be conſtrued to extend, to hinder any archbiſhop or biſhop, or their vicars-general, or any ordinary within this kingdom, from proceeding againſt any eccleſiaſtical perſons ſubject to their viſitation, and within their reſpective juriſdictions, for any neglect of duty, or for any fault cognizable in the eccleſiaſtical court either at their reſpective viſitations or otherwiſe, in the like manner as they might or could do, if this act had never been made.

not to hinder ordinary from proceeding againſt eccleſiaſtical perſons ſubject to their viſitation.

XV. And whereas many ſheriffs and their under ſheriffs for their private gain and advantage do hold their courts in the remoteſt corners and parts of baronies, where the greateſt part of the inhabitants cannot reſort without apparent loſs of their time and buſineſs, to the damage of the public; be it further enacted by the authority aforeſaid, That the ſheriffs court-leet or county-court ſhall be always held in the moſt convenient place in each barony, which lies neareſt to the center of the ſame, and at a ſeaſonable time in the day after the hour of nine in the morning, on pain that the ſheriff or under ſheriff offending herein ſhall be fined

Sheriff's holding courts in remote places;

Court-leet and county-court to be held near the center of the barony, after 9 in the morning;

Penalty, fine at aſſizes or ſeſſions.

A. D. 1719.

fined by the juſtices at the next aſſizes or ſeſſions, on complaint and proof made thereof before them upon oath.

Children of popiſh parents or parent from 12 bred proteſtants, and receiving the ſacrament as by law, reputed proteſtants:

XVI. And whereas ſome doubt hath ariſen, whether the children of popiſh parents, who by the permiſſion of their ſaid parents have been bred proteſtants, are to be reckoned as proteſtants, or as converts from the popiſh religion; be it further enacted, That all children of popiſh parents or parent, who from the age of twelve years have been conſtantly bred up in the proteſtant religion, and have received the bleſſed ſacrament of the Lord's ſupper in the church of Ireland, as by law eſtabliſhed, ſhall be reputed as proteſtants, and enjoy all the rights and priviledges of proteſtants.

relapſing after 18, ſubject to penalties as converts relapſing.

XVII. Provided always, That if ſuch children ſhall at any time after they come to the age of eighteen years declare themſelves of the communion of the church of Rome, or be preſent at Mattins or Veſpers according to the practice of the church of Rome, they ſhall be ſubject to all ſuch penalties, as converted papiſts relapſing to popery are by laws liable to.

No ſatisfaction of judgment to be entered on motion of attorney, without proving his warrant by affidavit of a witneſs filed in ſame office.

XVIII. And be it further enacted, That no ſatisfaction ſhall hereafter be entered on the record of any judgment upon the motion of any attorney, except the ſaid attorney ſhall prove his warrant for acknowledging ſuch ſatisfaction by affidavit of one credible witneſs in writing, to be filed in the office where ſuch judgment is acknowledged.

CHAP. VII.

An Act for the better regulating the buying and ſelling of yarn and cloth, and further improving the hempen and flaxen manufactures of this kingdom.

Repealed 19 G. 2. 6.

WHEREAS divers ill-diſpoſed perſons, with intent to evade the good laws made for regulating the flaxen and hempen manufactures of this kingdom, carry their cloth and yarn to cities, towns, and villages, where fairs are uſually held, ſeveral days before the time by law appointed for holding ſuch fairs, and ſell the ſame in a clandeſtine manner: for remedy thereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of November one thouſand ſeven hundred and nineteen all linnen cloth and yarn ſhall be ſold publickly in open market, or at lawful fairs, at the day or days, on which ſuch markets or fairs by law ought to be held, or within two days next preceeding ſuch fair day; and all linnen-yarn ſhall be ſold publickly at ſuch markets or fairs without doors between the hours of eight of the clock in the morning and eight of the clock in the evening; and if any perſon or perſons ſhall ſell or expoſe to ſale any ſuch cloth or yarn at any patron or unlawful aſſembly, or ſooner than two days before the day, on which ſuch fairs by law ought to be held, or ſhall ſell or expoſe to ſale any linnen-yarn in any houſe or houſes, or at any time, except between the ſaid hours of eight of the clock

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in the morning and eight of the clock in the evening, all ſuch cloth and yarn ſhall be and is hereby declared to be forfeited; and it ſhall and may be lawful to and for any perſon or perſons to ſeize and carry the ſame before any juſtice of the peace or chief magiſtrate within their reſpective juriſdictions, who are hereby impowered upon the oath of one or more credible witneſſes or the parties (which oath they are hereby authorized to adminiſter) to hear and finally to determine the ſame, and condemn or diſcharge ſuch cloth or yarn ſo ſeized as aforeſaid.

II. And for the more effectual obliging of all perſons to reel and divide their yarn into cuts and dozens purſuant to the good laws in force in this kingdom, be it further enacted by the authority aforeſaid, That from and after the firſt day of February one thouſand ſeven hundred and twenty one no perſon or perſons ſhall in buying or ſelling of yarn make uſe of any ouncels, ſcales, or weights whatſoever, under the penalty of forfeiting twenty ſhillings to ſuch perſons as ſhall ſue for the ſame, to be recovered by civil bill at the next aſſizes to be held for the county, wherein ſuch offence ſhall be committed; and alſo ſuch ouncels, ſcales, and weights ſhall be forfeited to any perſon or perſons, who ſhall ſeize and carry the ſame before any juſtice of the peace or chief magiſtrate within their reſpective juriſdictions, who are hereby impowered to examine and finally determine the ſame.

III. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any juſtice of the peace or chief magiſtrate within their reſpective juriſdictions, and to and for any of the truſtees appointed or hereafter to be appointed for improving the hempen and flaxen manufactures, or any perſon or perſons thereunto authorized by writing under hand and ſeal of any one or more of ſuch juſtices of the peace, chief magiſtrate, or truſtees, to enter into any houſe or houſes, the doors thereof being open: and if it ſhall happen that any reel or reels be there found, other than two yards and a half in circumference, ſuch juſtice of the peace, chief magiſtrate, or truſtees, or any perſons by them authorized as aforeſaid, ſhall and may, and are hereby required to, break, burn, and utterly deſtroy the ſame.

IV. And to prevent frauds in making and ſelling of threads, tapes, breads, and bobbins, be it enacted by the authority aforeſaid, That from and after the firſt day of November one thouſand ſeven hundred and twenty all thread, whether white or coloured, and all boſs made of double flaxen yarn, ſhall be reeled on a reel of forty four inches or more in circumference, and ſhall be divided into ſcains, each ſcain to contain twelve threads; and all tapes, commonly called diaper and twilled tapes, ſhall be made up in pieces, containing in length twelve yards or upwards in every piece; and all fine plain tapes, whether white or red, ſhall be made up in pieces, containing in length twenty four yards or more in each piece; and all tapes, commonly called chatts, inkles, and filleting, ſhall be made up in pieces, containing in length thirty ſix yards in each piece, and ſuch chatts ſhall contain thirteen threads in breadth, inkles ſhall contain twenty one threads in breadth, narrow filleting ſhall contain thirty three threads in breadth, and broad filleting ſhall contain forty nine threads in breadth or more; and all breads, ferretings, and ſhoe-lace, made of flaxen yarn, or of ſuch yarn mixed with ſilk or worſted, ſhall contain in length eighteen yards or more in each piece; and all thread laces, commonly called points, ſhall contain ſixteen threads or more in breadth; and all white bobbin, made of ſingle flaxen yarn, ſhall contain twenty four yards in length in each piece; and all bobbin, made of double flaxen yarn, ſhall contain in length twelve yards in each piece; and if it ſhall happen that any perſon or perſons ſhall after the ſaid firſt day of November one thouſand ſeven hundred and twenty ſell or expoſe to ſale any thread, tape, chatts, inkles, filleting, breads, ferreting, ſhoe-lace, points, or bobbin whatſoever, that is not conformable to the lengths, breadths, and rules aforeſaid; or if the ſame, or any or either of them, be found in the cuſtody or poſſeſſion of any weaver, ſhop-keeper, petty chapman, or retailer, then and in ſuch caſe the ſame ſhall be and is hereby declared to be forfeited: and it ſhall and may be lawful to and for any perſon or perſons to ſeize and carry the ſame before any juſtice

A. D. 1719. Chap. 7.

justice of the peace or chief magistrate within their respective jurisdictions, who are hereby impowered upon the oath of one or more credible witnesses (which oath they are hereby authorized to administer) to hear and finally determine the same, and condemn or discharge such thread, tapes, chatts, inkles, filleting, breads, ferretings, shoe-lace, points, or bobbin, so seized as aforesaid, and deliver the same to the party intituled thereto.

V. And whereas sopers dregs do partly consist of lime, and all dung (except cow dung) is greatly prejudicial to cloth or yarn, that is bleached therewith: be it enacted by the authority aforesaid, That if any person or persons in bleaching of cloth or yarn shall use any sopers dregs, or any dung except cow dung, such person or persons shall incur the like penalties, and such cloth and yarn shall be subject to the like forfeiture, as if such cloth or yarn was bleached with lime.

VI. And be it further enacted by the authority aforesaid, That from and after the first day of November one thousand seven hundred and nineteen no drawback or debenture shall be allowed, paid, or given by any collectors, or any other officers of his Majesty's revenue, to any person or persons for or on account of exporting any callicoe, holland, foreign sail-cloth, or linnen whatsoever, out of this kingdom; any former law, usage, or custom to the contrary thereof in any wise notwithstanding.

VII. And for the more effectual preventing of frauds and abuses in making and bleaching of linnen-cloth, and bringing the same into better repute, be it enacted by the authority aforesaid, That it shall and may be lawful to and for the trustees appointed for encouraging the hempen and flaxen manufactures of this kingdom, or any five or more of them, to licence and appoint such fit and proper person or persons in such places of this kingdom, as they shall judge most convenient, to view, examine, and measure all and every such piece or pieces of linnen-cloth, as shall be produced and offered to him or them; and if such cloth appear to be merchantable, and pursuant to the good laws for regulating the linnen manufacture in force in this kingdom, then and not otherwise such person or persons, licenced to be lappers as aforesaid, shall and may lap and make up the same, and mark thereon the number of yards each piece containeth in length, and seal or stamp both ends thereof with the name of such lapper, and the county in which he resides, or such other impression as the said trustees shall think fit and appoint; for all which such lapper shall and may demand and take the sum of two pence and no more, unless he beetle the same, and then one peny more over and above the said two pence; and if any person or persons, being licenced as aforesaid, shall seal or stamp any piece or pieces of cloth not merchantable, or not pursuant to the said laws of this kingdom, or shall mark the same with a greater number of yards, than each piece containeth in length, such person or persons so offending shall forfeit the sum of twenty shillings for every such piece of cloth, so stamped or marked as aforesaid; such offences to be heard and finally determined by any of his Majesty's justices of the peace of the county, where such offender liveth, or chief magistrate within their respective jurisdictions, on the oath of one or more credible witnesses; which oath such justices of the peace or chief magistrate is hereby impowered to administer; and upon conviction it shall and may be lawful to and for such justice of the peace or chief magistrate to issue his warrant, directed to the constables of the said county, to levy the penalties aforesaid, together with twelve pence for the constable, who shall execute the same, by distress and sale of the offenders goods, rendring the overplus to the owner; which said penalties shall be paid by such justice of the peace or chief magistrate to such person or persons, as shall be damnified by buying such unmerchantable cloth.

VIII. And be it further enacted by the authority aforesaid, That if any person or persons shall sell or expose to sale any bleached or white linnen-cloth, not being stamped and marked as aforesaid, such person or persons so offending shall forfeit the sum of twelve pence for each piece of cloth, so sold or exposed to sale as aforesaid, to be heard, determined, and levied by any justice of the peace of the said county,

county, or chief magiſtrates within their reſpective juriſdictions, in the ſame manner as above mentioned in relation to penalties incurred by lappers, to be paid to ſuch perſon or perſons as ſhall give information thereof. A. D. 1719.

IX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall counterfeit the ſaid ſeal or ſtamp, being thereof lawfully convicted, he or they ſhall ſtand in the pillory during the ſpace of two hours in the fore-noon, and ſhall forfeit the ſum of fifty pounds to ſuch perſon or perſons, who ſhall ſue for the ſame; to be recovered in any of his Majeſty's courts of record, by action of debt, bill, plaint, or information; wherein no eſſoin, protection, or wager of law, ſhall be allowed.

X. And whereas divers perſons, to evade the paying of duty for foreign ſail-cloth brought into this kingdom, make the ſame up into ſails on board their ſhips, and frequently ſell the ſame to other ſhips in the ſame port, and often great quantities of ſuch foreign ſail-cloth are run, and immediately after, to conceal the ſame, is made up into ſails: for remedy whereof, be it enacted by the authority aforeſaid, That all new ſails, except what are for the uſe of ſuch ſhip, made of foreign ſail-cloth, found on board any ſhip or boat, ſhall be liable to the ſame duty, as if in pieces; and if ſuch ſails ſhall be landed or put on board any other ſhip or boat without firſt having paid the ſaid duty, the ſame ſhall be forfeited to ſuch perſon or perſons, as ſhall give information thereof to the commiſſioners or ſub-commiſſioners of his Majeſty's revenue; who are hereby impowered to examine and condemn the ſame in the ſame manner, as is directed in the ſaid act of exciſe, with the like liberty of appeal as is therein mentioned.

CHAP. VIII.

An Act for the more effectual preventing the running of goods, and for the further preventing frauds committed in his Majeſty's cuſtoms.

WHEREAS notwithſtanding the many laws made to prevent the running and undue landing of goods imported into this kingdom, many frauds are committed and goods daily put on ſhore without payment of his Majeſty's duties, to the great loſs of his revenue, and the ruin of the fair traders in this kingdom, by maſters of ſhips, or other perſons having charge thereof coming into ſmall creeks in veſſels of ſmall burthen: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That where any goods exciſeable ſhall be unſhipped and landed out of ſmall boats and veſſels under the burthen of fifteen tuns, not being in leak or wreck, before due entry of ſuch boats, or ſmall veſſels, and of the ſaid goods, at the cuſtom-houſe or place allowed for landing, where ſuch boat or ſmall veſſel ſhall happen to unlade, or at unlawful hours, or without the knowledge, privity, or conſent of the proper officer or officers, which ſhould have attended the unlading of ſuch goods, all ſuch boats and ſmall veſſels ſhall be forfeited.

Repealed 33 *G.* 2. 10.

Where exciſeable goods landed out of veſſels under 15 tuns (not in leak or wreck) before due entry, ſuch veſſels forfeited. 9 *G.* 2. 6. *altered.*

II. And whereas in ſhips from foreign parts goods are often found concealed in falſe bulk-heads, or between the wainſcot of the ſaid ſhips, or in other concealed places, in order to their being privately landed without payment of duties, ſo that it is almoſt impoſſible for officers of the cuſtoms to diſcover them without having previous information: for preventing of which fraudulent practices, be it further enacted by the authority aforeſaid, That from and after the firſt day of November one thouſand ſeven hundred and nineteen all goods, not entered nor mentioned in the invoice, and found concealed in the ſhip by the proper officer or officers of the cuſtoms forty eight hours after ſuch invoice made, ſhall be liable to forfeiture, as fully

33 *G.* 2. 10. Goods, not entered or invoiced, and found concealed in the ſhip by the officer 48 hours after invoice, forfeited.

A. D. 1719. Chap. 8.

fully as if they were actually carried out of the ſhip with intention to run them, and ſuch goods ſhall be ſeized and diſpoſed of, and perſons proſecuted, in manner hereafter mentioned.

4 G. 1. 4. Sec. 1.

III. And whereas an act was made in the fourth year of his preſent Majeſty's reign in this kingdom, intituled, *An act for preſerving all ſuch ſhips and goods thereof, which ſhall happen to be forced on ſhore, or ſtranded upon the coaſt of this kingdom*; Wherein it is recited amongſt other things, "that many ſhips of trade, after all "their dangers at ſea eſcaped, have unfortunately near home run on ſhore or been "ſtranded on the coaſts thereof; and that ſuch ſhips have been barbarouſly plun- "dered by his Majeſty's ſubjects, and their cargoes imbezled, and when any part "thereof has been ſaved, it has been ſwallowed up by the exorbitant demands for "ſalvage, to the great loſs of his Majeſty's revenue, and to the much greater da- "mage of his Majeſty's trading ſubjects;" and therefore by the ſaid act it is

Sec. 2.

amongſt other things enacted, "that ſuch ſhips, veſſels, or goods, ſo ſaved as "therein is mentioned, ſhall remain in the cuſtody of the officer of the cuſtoms, "or his deputy, for the purpoſes in the ſaid act; and if ſuch goods ſhall not be "legally claimed by the rightful owner within the time therein limitted, that then "publick ſale ſhall be made thereof, and, if periſhable goods, forthwith be ſold; "and after all charges deducted the reſidue of the money ariſing by ſuch ſale, "with a fair and juſt account of the whole, ſhall be tranſmitted to his Majeſty's "Exchequer, there to remain for the benefit of the owner:" and whereas for want of expreſs words ſubjecting ſtranded goods, ſo ſaved, to the payment of cuſ-

33 G. 2. 10. 5 G. 1. 11. Sec. 13. Eng.

toms and other duties, a doubt hath ariſen, whether ſuch goods, tho' no way damaged, are liable to pay the ſame, to the loſs of his Majeſty's revenue, and contrary to the true intent of the ſaid act: be it enacted by the authority aforeſaid, That all goods, wares, and merchandizes, which from the ſaid firſt day of November one thouſand ſeven hundred and nineteen ſhall be ſaved out of any veſſel or ſhip, that ſhall happen to be forced on ſhore, or ſtranded on the coaſts of this kingdom, not being wrecked goods, *jetſam*, *flotſam*, or *lagan*, ſhall after all charges of ſalvage, and other charges paid as aforeſaid, be ſubject to the payment of the like cuſtoms and duties, and the owners be intitled to ſuch drawbacks on exportation, and the like allowance and abatements, as ſuch goods were, and merchandizes would, by any law or laws now in force be liable unto, or the owners be intitled to have, in caſe the ſame were regularly imported; any thing in the aforeſaid act, or any other act, to the contrary notwithſtanding.

Goods ſaved out of ſhips ſtranded (not being wrecked, *jetſam*, &c.) after ſalvage and charges liable to cuſtoms, with drawbacks, &c. as if regularly imported.

2 G. 1. 18. Sec. 1.

IV. And whereas one other act was paſſed in the ſecond year of his preſent Majeſty's reign in this kingdom, intituled, *An act for preventing abuſes and deceits in his Majeſty's revenue, by importing of brandy in ſmall quantities:* wherein is recited, "That ſeveral frauds are frequently committed in importing ſtrong waters, ſpirits, "or brandy in ſmall quantities, whereby the ſame is more eaſily carried away "without payment of the duty thereof," therefore by the ſaid act it is amongſt other things enacted, "That from and after the twenty ninth day of September in "the year of our Lord one thouſand ſeven hundred and ſixteen no brandy, ſingle "or double, ſhall be imported from parts beyond the ſeas in any caſk or veſſel, "which ſhall not contain fifty gallons at the leaſt, upon pain of forfeiting the "ſaid brandy, or the value thereof, to be ſo imported; to be recovered by action "of debt, bill, plaint, or information, in any of his Majeſty's courts in Dublin:" And whereas ſeizures are frequently made in every remote part of this kingdom, and of ſuch ſmall quantities at one time, that the ſeizure will not pay the charge of the condemnation, nor can the officers, who make ſuch ſeizures, attend the ſaid proſecutions at the ſaid courts in Dublin, which tends very much to the diſcourage- ment of them in their duty: for remedy whereof, and to the intent that the ſaid law may have its full and deſigned effect, be it further enacted by the authority aforeſaid, That all ſeizures now made, or which ſhall hereafter be made, of ſtrong waters, ſpirits, or brandy, ſingle or double, that have been or ſhall be imported in any caſk or veſſel, which ſhall not contain fifty gallons at the leaſt, ſhall and

33 G. 2. 10. Seiſures of ſtrong waters, ſpirits, or brandy

may be proſecuted before the commiſſioners or ſub-commiſſioners of exciſe, who ſhall on information before them of ſuch importation proceed to hear, and they are hereby impowered to determine, ſuch offences; and all ſtrong waters, ſpirits, or brandy, ſingle or double, ſo imported, ſhall and may be condemned by them, and the penalties and forfeitures thereout ariſing levied, raiſed, and diſpoſed of in ſuch manner and form in all reſpects as are preſcribed, mentioned, and expreſſed, in an act made in the fourteenth year of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe and new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; with the like remedy of appeal to and for the party grieved, as in and by the ſaid act of exciſe is provided.

in veſſels under 50 gallons, may be proſecuted before commiſſioners or ſub-commiſſioners. Penalties as by 14 & 15 C. 2. 8.

like remedy of appeal.

V. And be it further enacted by the authority aforeſaid, That no ſhip, veſſel, or boat, appointed or imployed ordinarily for the carriage of letters and pacquets, ſhall (unleſs it be in caſes as ſhall be allowed by the commiſſioners of his Majeſty's revenue in this kingdom) knowingly import or export any goods or merchandizes, deſigned for ſale, into or out of this kingdom, upon the penalty of the forfeiture of an hundred pounds, to be paid by the maſter of the ſaid veſſel or boat, with the loſs of his place.

Goods for ſale not to be imported or exported in pacquet boats. 33 C. 2. 10. Penalty 100l. and loſs of place.

VI. And whereas many concealments are made of drink brewed and ſtrong liquors diſtilled in this kingdom by brewers and diſtillers: for the prevention of ſuch abuſes, and the better ordering and collecting the duty of exciſe and preventing the abuſes therein, be it further enacted by the authority aforeſaid, That no common brewer of beer or ale ſhall ſell, deliver, or carry out, any beer or ale to any of his cuſtomers, either in whole caſk or by the gallon, in any city, town corporate, or market-town, before notice given to an officer of exciſe, but between the hours of the day hereafter mentioned: (that is to ſay) from the twenty fifth day of March to the twenty ninth day of September yearly, between the hours of three of the clock in the morning and nine of the clock in the evening; and from the twenty ninth day of September to the twenty fifth day of March yearly, between the hours of five of the clock in the morning and eight of the clock in the evening; upon pain that every brewer doing contrary hereunto ſhall for every ſuch offence forfeit and loſe the ſum of twenty ſhillings for every barrel of beer or ale, that ſhall be ſo carried out contrary to the true meaning of this act: and that no diſtiller or maker of low wines, ſpirits, *aqua vitæ*, or ſtrong waters, ſhall ſet their ſtills at work for the drawing or making any of the liquors above mentioned, or ſhall deliver or carry out any low wines, ſpirits, *aqua vitæ*, or ſtrong waters, to any cuſtomer in caſk or by the gallon, without notice firſt given to the officer of exciſe for the place or diviſion, where ſuch diſtillers or maker ſhall live, to the intent that ſuch officer may be preſent to ſee and gauge the ſame, unleſs at ſuch times as are herein after mentioned: (that is to ſay) from the twenty ninth day of September to the twenty fifth day of March yearly, between the hours of five of the clock in the morning and eight in the evening; and from the twenty fifth day of March to the nine and twentieth day of September yearly, between the hours of three in the morning and nine in the evening, upon pain that every diſtiller and maker of the liquors aforeſaid, doing contrary hereunto, ſhall forfeit for ſuch offence the ſum of ten pounds; all which forfeitures and penalties, as well as all other forfeitures and penalties in this preſent act mentioned and inflicted, ſhall be ſued for, proſecuted, and recovered, by the like ways, means, and methods, and in ſuch manner and form, as is mentioned and expreſſed in the ſaid before mentioned act made in the fourteenth year of the reign of King Charles the ſecond, with like remedy of appeal for the party grieved; and all ſeizures, fines, forfeitures, and penalties mentioned in this act, after neceſſary charges firſt deducted for the recovery thereof, ſhall be divided; one moiety whereof ſhall be to his Majeſty, his heirs and ſucceſſors, and the other moiety to him or them that ſhall ſeize or diſcover the goods, which are hereby made forfeitable, or give information of, or prove any breach of, any clauſe or article of this act.

To prevent concealments by brewers and diſtillers.

No brewer ſhall carry out beer or ale, before notice to exciſe officer, but between 3 and 9 from 25 March to 29 Sept. and between 5 and 8 from Sept. to March.

Penalty 20*s*.

Penalty on diſtillers for like offence, &c. 10*l*.

All penalties recovered as by 14 C. 2. 8. with like remedy of appeal; Continuance 2 years; *and continued by ſeveral ſubſequent acts, and by* 32 G. 2. 6. *for two years*, &c.

VII. Pro-

A. D. 1719.

VII. Provided always, and be it enacted by the authority aforeſaid, That this act ſhall be and remain in force for the ſpace of two years, from the firſt day of November one thouſand ſeven hundred and nineteen, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Repealed 33 G. 2. 10. *except as to ſuch parts as therein mentioned, which act is amended and continued two years, &c. by* 1 G. 3. 7.

CHAP. IX.

An Act for quieting and diſcharging all perſons in offices or employments from the penalties they may have incurred, by not qualifying themſelves purſuant to the Act to prevent the further growth of popery: *and for limitting the time for proſecutions on the ſaid act.*

2 *Anne* 6. WHEREAS ſome perſons very well affected to his Majeſty's ſervice, who have been obliged by an act lately paſſed in this kingdom, intituled, *An act to prevent the further growth of popery*, to qualifie themſelves according to the directions of the ſaid act for certain offices or employments, may have hazarded their employments, and have incurred ſeveral penalties and incapacities, in the ſaid act mentioned, by neglecting to qualifie themſelves according to the ſaid act, through a belief that they were not obliged ſo to qualifie themſelves: and whereas many more, who have duly qualified themſelves, may through the careleſſneſs of thoſe, who keep the rolls of ſubſcriptions, be under great difficulties in proving, that they did qualifie themſelves for their reſpective offices and employments according to the ſaid act, and thereby may be in danger of loſing their employments, and of incurring the penalties and incapacities mentioned in the act aforeſaid: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons now in actual poſſeſſion of any office civil or military, or that receives any pay, ſalary, fee, or wages, belonging to or by reaſon of any patent or grant from his Majeſty, or that hath any command or place of truſt from or under his Majeſty, or any of his predeceſſors, or by his or their authority derived from him or them within this realm, that were required by the ſaid above mentioned act to take the oaths, and receive the ſacrament of the Lord's ſupper, according to the uſage of the church of Ireland, and ſubſcribe the declaration in the above mentioned act contained, ſhall be and are hereby indemnified, freed, and diſcharged, of and from all incapacities, diſabilities, forfeitures, and penalties incurred by reaſon of the ſaid act, notwithſtanding any omiſſion to take the ſaid oaths and ſacrament of the Lord's ſupper,

Perſons in office civil or military, or receiving ſalary, &c. by patent or grant, or having command or place of truſt from the King, indemnified for not taking the oaths, &c. required by 2 *Anne* 6.

and to ſubſcribe the ſaid declaration, or that ſuch perſon or perſons cannot produce the rolls of their having taken or ſubſcribed the ſame; and that none of their acts, nor the acts not yet avoided of any, who have been in actual poſſeſſion of any ſuch offices, places, or employments, ſhall be queſtioned or avoided by reaſon of ſuch omiſſion, or not producing the ſaid rolls: but that all ſuch acts ſhall be and are hereby declared and enacted to be as good and effectual, as if all and every ſuch perſon and perſons had taken the oaths and received the ſacrament, and ſubſcribed the declaration in manner as aforeſaid, and could produce the rolls of their having taken and ſubſcribed the ſame; any thing in the ſaid above mentioned act to the contrary notwithſtanding: nevertheleſs ſo as ſuch perſon or perſons do and ſhall take the ſaid oaths, and receive the ſaid ſacrament, and ſubſcribe the ſaid declaration, in the manner directed by the ſaid recited act, on or before the five and twentieth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and twenty.

A. D. 1719. Chap. 9.

and their acts not avoided,

ſo as they take ſaid oaths, &c. by 25 March 1720.

II. And be it further enacted by the authority aforeſaid, That no perſon or perſons, who ſhall at any time hereafter be admitted, entred, placed, or taken into any ſuch office or offices, employment or employments, as aforeſaid, ſhall be proſecuted upon the ſaid act; or any incapacity, diſability, forfeiture, or penalty, be incurred by reaſon of the ſame, unleſs ſuch proſecution be commenced within two years after ſuch perſon or perſons ſhall be admitted, placed, or taken into ſuch office or offices, place or places, as aforeſaid; and that in caſe of a proſecution, the ſame be carried on without wilful delay.

Proſecution on ſaid act to be within 2 years, and without delay.

III. And be it further enacted by the authority aforeſaid, That the officer of every court, where ſuch oaths ſhall be taken, ſhall be and is hereby obliged to give to every perſon or perſons, ſo taking the ſaid oaths, and ſubſcribing the declaration in purſuance of the ſaid recited act, if thereunto required, a certificate of ſuch perſon or perſons having taken the ſaid oaths, and ſubſcribed the ſaid declaration; and alſo of his or their having lodged a certificate of his or their having received the ſacrament according to the uſage of the church of Ireland; which certificate upon proof being made by one or more witneſs or witneſſes, that the ſaid certificate was ſigned by ſuch officer, and was compared with the roll, and agreed with the ſame, ſhall be read and made uſe of, and be of the like and ſame force, to all intents and purpoſes in all courts, as if the original rolls were produced; any law or uſage to the contrary notwithſtanding; for which certificate the clerk or officer ſigning the ſame ſhall receive the fee of ſix pence, and no more.

Certificate of taking the oaths, &c. to be given, paying 6 d.

which, on proof by one witneſs, of ſame force as if original rolls produced. 1 G. 3. 4.

A. D. 1719.

CHAP. X.

An Act for the better regulating the pariſh watches, and amending the high ways in this kingdom, and for preventing the miſapplication of publick money.

8 G. 1. 10. 10 G. 1. 3.

WHEREAS it is neceſſary for the ſafety of his Majeſty's government and his good ſubjects of this kingdom, that regular watches ſhould be kept in the ſeveral pariſhes thereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the juſtices of the peace, and grand juries of the reſpective counties, at the general quarter-ſeſſions, and within mannors or liberties for the ſeneſchal and jury of the leet, to limit, aſcertain, and appoint the number of watch-houſes, which ſhall be erected within their reſpective counties, mannors, or liberties, the places where the ſame ſhall be kept, and what diſtrict or proportion of the pariſhes, mannors, or liberties adjoining to ſuch watch-houſes, ſhall contribute to the building, repairing, and keeping ſuch watch-houſes, and keeping ſuch watch therein; as alſo to aſcertain and provide a ſufficient number of watch-bills, ſtaves, and halberts for arming the watch, and neceſſary fire and candles, to be provided and paid for by the ſaid pariſhes, mannors, or liberties reſpectively; and that all money raiſed for the ſaid purpoſes ſhall be paid into the hands of ſuch perſons, as ſhall by ſuch preſentment be appointed overſeers of the ſaid work, who are hereby required to lay out the ſame to the uſes herein expreſſed, and to no other uſe whatſoever; and to render an account thereof upon oath at the next general aſſizes or general quarter-ſeſſions, or next court-leet, to be held for ſuch county, liberty, or mannor reſpectively, where the ſaid work is done.

Juſtices and grand juries at ſeſſions, ſeneſchals and juries of leets, may appoint watch-houſes, and the places; and the contribution thereto,

and provide halberts, &c.

the money raiſed paid to overſeers, accountable next aſſiſes, ſeſſions, or leet.

II. And be it further enacted, That ſo many of the reſpective inhabitants within the ſeveral and reſpective pariſhes in this kingdom, as any one or more of the juſtices of the peace inhabiting within or next to the ſaid ſeveral and reſpective pariſhes ſhall limit and direct, and within corporations ſo many as the chief magiſtrate, and within mannors or liberties ſo many as the ſeneſchals, ſhall limit and direct, ſhall be from time to time the ſettled and eſtabliſhed watch or watches for the ſaid pariſh or pariſhes, or parts of pariſhes, liberties, or mannors reſpectively, to watch every night from the twenty ninth day of September to the twenty fifth day of March, or to begin earlier, and to continue longer, as the

Inhabitants appointed by juſtices, &c. ſhall be the eſtabliſhed watch, 10 G. 1. 3.

every night from 29 Sept. to 25 March, or as juſtices, &c. appoint;

the ſaid juſtice or juſtices, or chief magiſtrate or ſeneſchals reſpectively ſhall direct or appoint; which watchmen are hereby impowered and authorized to ſtop and examine all ſuſpected perſons; and where they find any, who ſhall not give a good account of themſelves, to arreſt, detain, and keep ſuch perſon or perſons in cuſtody till the next day, and him, her, or them to carry before the next juſtice of the peace, to be dealt with according to law. A. D. 1719. Chap. 10.

they may ſtop, examine, and carry before a juſtice, ſuſpected perſons. 13 *Ed.* 1. 4. *Eng.*

III. Be it further enacted, That where it ſhall be found neceſſary and expedient, that watches ſhould be kept on the confines and borders of ſeveral pariſhes, that then and in ſuch caſe it ſhall and may be lawful to and for the grand juries of the ſeveral and reſpective counties, counties of cities and towns, within this kingdom, at the general quarter-ſeſſions of the peace, and within liberties or mannors by the jury of the leet, by preſentment, to direct and appoint the building of a watch-houſe or watch-houſes on ſuch borders and confines; and likewiſe for the juſtices of the peace inhabiting in or next to the ſaid reſpective pariſhes from time to time to order, direct, and appoint, the number of the inhabitants of the ſaid ſeveral and reſpective pariſhes, which ſhall be the ſettled and eſtabliſhed watch, to be kept on the ſaid confines or borders of the ſaid ſeveral pariſhes, to ſerve and attend the ſaid watch in their turn, as is herein directed and appointed; and under the ſame forfeitures and penalties as are herein inflicted on ſuch perſons, as ſhall neglect or refuſe to watch in their turn.

Grand juries at ſeſſions, or juries of leets, may by preſentment direct building of watch-houſes on confines of pariſhes;

The next juſtices may appoint the watch on the confines, under ſame penalties for refuſing to watch in turn.

IV. And whereas it is neceſſary for the common ſafety, and particularly for the ſafety of his Majeſty's proteſtant ſubjects, that although in time of peace and tranquility the papiſts, as well as proteſtants, may be permitted to watch promiſcuouſly in their turns; yet in times of tumult and danger the ſaid watchmen be of the proteſtant religion: be it therefore enacted, That from and after the twenty ninth day of September one thouſand ſeven hundred and nineteen every inhabitant within the ſeveral and reſpective pariſhes of this kingdom liable to the payment of hearth-money, and who by law ought to watch in the counties, liberties, or mannors, wherein they reſide, ſhall in their reſpective turns by himſelf, or ſome other ſufficient perſon to be ſent or appointed by him, keep watch and ward in the pariſh, liberty, or mannor, wherein he, ſhe, or they ſhall inhabit or reſide; and that the conſtable or conſtables of every pariſh and conſtablewick throughout this kingdom ſhall at the Eaſter general quarter-ſeſſions of the peace, and within liberties or mannors at the Eaſter leet, in every year make and return upon oath a full, true, and perfect, liſt of all ſuch inhabitants as aforeſaid within the ſaid ſeveral and reſpective pariſhes and conſtablewicks; which perſons ſo returned ſhall keep

Proteſtant watchmen in times of danger.

All liable to hearth money, and who ought to watch where they reſide, ſhall in their turns, or by ſufficient perſon, keep watch and ward.

Conſtables at Eaſter ſeſſions to return on oath a liſt of inhabitants, who ſhall watch for one year in order as named.

A. D. 1719. Chap. 10.

keep watch and ward within the ſaid ſeveral and reſpective pariſhes, liberties, and mannors, according to the intention and direction of this act for one year enſuing from the date of ſuch preſentments, in ſuch order as the ſaid perſons are named in the ſaid preſentments; and any perſon, ſo named, refuſing or neglecting to appear at the ſaid watch, or who ſhall neglect or refuſe to continue on ſuch watch during ſuch time each and every night, as by the juſtices of the peace at the quarter-ſeſſions, and within corporations by the chief magiſtrate, or within liberties by the ſeneſchals, reſpectively from time to time ſhall be appointed, or who ſhall not ſend ſome other ſufficient perſon in his or her ſtead to continue for the time aforeſaid, ſhall forfeit the ſum of twelve pence, to be levied of his or her goods and chattels by warrant from ſuch juſtice of the peaee, chief magiſtrate, or ſeneſchal reſpectively, before whom ſuch default ſhall be made appear; and in default thereof to be committed to the ſtocks, there to remain for any time or ſpace not exceeding twelve hours.

Penalty on thoſe who neglect each night, 12 d.

or ſet in ſtocks.

V. And be it further enacted, That if any conſtable or conſtables, impowered by this act to make ſuch return, ſhall neglect or refuſe to make the ſame at the time aforeſaid, or ſhall not make a juſt, full, and true return of the ſeveral inhabitants paying hearth-money, and liable by law to watch in ſuch pariſhes, liberties, or mannors, every conſtable or conſtables neglecting or refuſing to make ſuch return ſhall forfeit the ſum of five pounds; and in caſe any conſtable or conſtables making ſuch return ſhall wilfully omit to return the name or names of any inhabitant or inhabitants within ſuch pariſh or conſtablewick, liberty, or mannor, liable to watch, according to the true intent and meaning of this act, that then ſuch conſtable or conſtables ſhall forfeit the ſum of ten ſhillings for every ſuch inhabitant, whoſe name ſhall be ſo omitted to be returned; the ſaid penalties or forfeitures to be recovered by any perſon or perſons, who ſhall ſue for the ſame, by petition in the nature of a civil bill before the judges of aſſize at the aſſizes to be held for the ſeveral counties of this kingdom,

Conſtable not making return, penalty 5 l. and 10 s. for every inhabitant wilfully omitted:

by civil bill.

and in the county of the city of Dublin, and county of Dublin, before the juſtices of the peace at the quarter-ſeſſions,

where ſuch pariſh or pariſhes, liberties, or mannors reſpectively lie, who are hereby impowered finally to hear and determine the ſame, and to award execution thereon, in like manner as executions iſſue upon decrees obtained upon civil bills; and that whenever it ſhall ſeem fit and neceſſary to the lord lieutenant, or other chief governor or governors of this kingdom for the time being, that the pariſh watches in this kingdom ſhall be kept in the ſeveral pariſhes by proteſtant watchmen only, it ſhall and may be lawful to

Chief governors may, when neceſſary, require juſtices, *&c.* to fix proteſtant watchmen only.

and

and for the lord lieutenant, or other chief governor or governors of this kingdom for the time being, and council, to iſſue out a proclamation, thereby requiring all juſtices of the peace, chief magiſtrates, or ſeneſchals, to iſſue out their warrants to the ſeveral high and petty conſtables within their reſpective counties or juriſdictions, requiring and commanding them the ſaid high and petty conſtables, and every of them, to ſettle and fix proteſtants, and none other, to be watchmen in and for their ſeveral and reſpective pariſhes; and that then and in ſuch caſe, when and as often as it ſhall come to the turn of the papiſt or papiſts, other than as aforeſaid, to watch, ſuch papiſt or papiſts ſhall provide a proteſtant or proteſtants, to be approved of by one of more juſtice or juſtices of the peace reſiding within ſuch pariſh; and in caſe there be no ſuch juſtice reſident within the ſaid pariſh, then to be approved of by the next juſtice of the peace, to watch in his and their turn; and for default thereof the ſaid juſtice or juſtices are hereby required to appoint a proteſtant or proteſtants to ſerve in the ſtead of ſuch papiſt and papiſts; and to iſſue his and their warrants for the levying and raiſing by diſtreſs and ſale of the goods of ſuch papiſt or papiſts, in whoſe turn or turns ſuch proteſtant or proteſtants ſhall ſerve, the ſum of twelve pence for each night, to be paid to ſuch proteſtant as ſhall watch in the turn of ſuch papiſt; and in caſe ſuch proteſtant or proteſtants, ſo nominated and appointed by ſuch juſtice or juſtices of the peace, ſhall neglect or refuſe to watch according to ſuch appointment or nomination, or to find a proteſtant or proteſtants to ſerve in his or their ſtead, he and they ſhall incur the ſame forfeitures and penalties herein before inflicted on perſons, who neglect or refuſe to watch in their turn.

A. D. 1719. Chap. 10.

Papiſts in turn to provide proteſtants, approved by a juſtice.

in default, the juſtice may appoint a proteſtant, and levy 12 d. each night on the papiſt, and pay it to ſuch proteſtant.

the proteſtant refuſing ſhall incur the penalty aforeſaid.

VI. And be it further enacted, That if any action, ſuit, plaint, or information, ſhall be commenced or proſecuted againſt any perſon or perſons, for what he or they ſhall do in purſuance or in execution of this act, ſuch perſon or perſons, ſo ſued in any court whatſoever, ſhall and may plead the general iſſue, and upon any iſſue joined may give this act and the ſpecial matter in evidence; and if the plaintiff or proſecutor ſhall become nonſuit, or forbear further proſecution, or ſuffer a diſcontinuance, or if a verdict ſhall paſs againſt him, the ſaid defendant or defendants ſhall recover his or their double coſts; for which he and they ſhall have the like remedy, as in caſes where coſts by law are given to the defendants.

Perſons ſued for acting may plead general iſſue, *&c.* and recover double coſts.

VII. And whereas preſentments have been ſometimes made at the aſſizes or ſeſſions for raiſing money for the tepairing of high ways or roads, building and repairing bridges, where there hath not been any real occaſion for repairing ſuch high ways or roads

Preſentments where no occaſion,

A. D. 1719. Chap. 10.

and bridges, neither hath the money ſo raiſed been expended upon that account, but hath been laid out and applied to other uſes or purpoſes: be it therefore enacted, that no money ſhall be raiſed by the preſentment of any grand jury for the building or repairing bridges, or for the repair of any high way or publick road, unleſs there be an affidavit made by two credible perſons, who live in the neighbourhood, and have viewed ſuch bridge or place for a bridge, or high road, that the ſame is wanting or out of repair, and unleſs the number of perches of ſuch high road, which wants repair, be aſcertained in ſuch affidavit.

and the money laid out to other uſes.

4 *Anne* 6.

No money ſhall be raiſed by preſentment for bridges of high ways, without affidavit of 2 neighbours, who viewed the place, and aſcertaining number of perches wanting repair.

1 *G.* 2. 3.

VIII. Be it further enacted, That no ſuch preſentment ſhall be allowed by any judge or judges of aſſize, or by the juſtices of the peace at the general quarter-ſeſſions for the county of Dublin, unleſs ſuch affidavit be thereunto annexed; which preſentment and affidavit the clerk of the crown or peace of each county is hereby required to file, and keep among the records of the ſaid county.

Affidavit to be annexed to preſentment, and filed by clerk of the crown or peace.

IX. And to the intent the money by ſuch preſentment raiſed ſhall be applied to the uſes, for which it was given, be it enacted, That the overſeer or overſeers named in ſuch preſentments ſhall before the next judges of aſſize, and in the county of Dublin before the juſtices of the peace, after the money preſented or any part thereof ſhall appear to be levied and collected, account upon oath how the ſame has been applied; and if it ſhall appear, that the money ſo given has not been laid out to the purpoſes, for which the ſame was appointed, it ſhall be lawful for the judge or judges of aſſize in the ſeveral counties wherein ſuch preſentment was made, and in the county of Dublin for the juſtices of the peace at the quarter-ſeſſions to be held for the ſaid county, to order the perſon or perſons, who ſhall have received any part of ſuch ſums to pay the ſame to the treaſurer; and in caſe of neglect or refuſal to commit ſuch perſon or perſons to the goal of the ſaid county, there to remain in execution until he or they ſhall have ſatisfied and paid what he or they ſhall have ſo received.

Overſeers ſhall account on oath next aſſiſes,

and if the money not laid out as appointed, ſhall be ordered to pay ſums received to treaſurer, or committed till ſatisfaction.

X. And whereas it has been found neceſſary, That grand juries of the ſeveral counties in this kingdom ſhould have power by preſentment to raiſe money for the payment of ſalaries to the treaſurers and goalers of the ſeveral counties in this kingdom, they being very uſeful officers, and there being no proviſion made for raiſing money for the ſaid uſes by any law now in being: be it enacted, That after the twenty ninth day of September one thouſand ſeven hundred and nineteen it ſhall and may be lawful to and for the grand juries of the ſeveral counties of this kingdom at the aſſizes to be held for the ſeveral counties, and at the quarter-

Preſentments may be made and confirmed of the yearly ſums of,

quarter-ſeſſions for the county of Dublin, and county of the city of Dublin, to make preſentments, if they think fit, and for the judges and juſtice of the peace to confirm the ſame, for the raiſing of any ſum not exceeding twenty pounds *per annum*, to be paid to the treaſurer of each county; and alſo a ſum not exceeding ten pounds *per annum* to be paid to the goaler of each county; and alſo a ſum not exceeding five pounds *per annum* to be paid to the keeper of the houſe of correction of each county.

A. D. 1719.

20 l. to treaſurer; 33 *G.* 2. 13. 7 *G.* 2. 12. *increaſed in Cork.* 10 l. to goaler, 5 l. to keeper of houſe of correction.

XI. And whereas the publick money in many counties is not duly paid and accounted for, be it enacted, That the treaſurer or receiver of publick money in each county of this kingdom ſhall make up his accounts upon oath of all his receipts and payments at every aſſizes, and for the county of Dublin, and county of the city of Dublin, at the King's bench and quarter-ſeſſions, to be held for the ſaid counties, as often as he ſhall be thereunto required by the judges of the King's bench or juſtices of the peace, and lay them fairly written on the firſt day of the ſaid aſſize, term, or ſeſſions, before the grand jury for ſuch county where he is appointed treaſurer, to be viewed, allowed, or diſapproved of by the ſaid grand jury, who ſhall cauſe the ſame to be entered in the county book, with ſuch remarks and obſervations as they ſhall think fit to make thereon: and no treaſurer ſhall compound for any money to be raiſed on the publick, nor make any deduction whatſoever for any ſum he ſhall pay to any perſon, but ſuch as he ſhall account for; and if any treaſurer ſhall offend herein, and neglect to make up his accounts as aforeſaid, he ſhall be for ever incapable to ſerve as treaſurer or publick receiver of the county, and be committed without bail or mainprize to the county-goal till he fairly accounts.

4 *Anne* 6. Treaſurers to account on oath every aſſiſes, *&c.* 33 *G.* 2. 7. and lay before grand juries; who ſhall enter the ſame, with remarks, in county-book. No treaſurer to compound or make deduction, penalty, rendered incapable, and committed till account. 13 *G.* 2. 10. Continuance 3 years, *&c. and by* 8 *G.* 1. 10. *two years*, &c. *and made perpetual (ſave as to pariſh-watches of Dublin) by* 10 *G.* 1. 3.

XII. Provided always, That this act ſhall continue and be in force for three years, and to the end of the next ſeſſion of Parliament, and no longer.

CHAP. XI.

An Act for better ſecuring the rights of advowſon and preſentation to eccleſiaſtical benefices.

WHEREAS proceedings upon writs of *quare impedit* are ſubject to great delays and vexations, by reaſon of eſſoigns allowed in ſuch writs: and whereas many perſons have not only made uſurpations upon the rightful patron, but alſo have protracted, and given all vexatious delays in, ſuits commenced for the recovery of uſurped preſentations, being encouraged thereto by the receipt of the meſne profits of ſuch benefice pending the writ, and converting them to their own uſe: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That from

A. D. 1719. Chap. 11.

from and after the nine and twentieth day of September one thouſand ſeven hundred and nineteen no eſſoign ſhall be caſt or allowed, or any writ of *quare impedit*, but the defendant or defendants being duly ſummoned to appear upon the certain day mentioned in the writ, and the defendant or defendants not appearing by him or themſelves, or by his or their attorney or attorneys, an attachment ſhall immediately iſſue, and at the return of the ſaid attachment the grand diſtreſs, in order to compel the defendant or defendants to appear.

II. And be it further enacted, That in all caſes where the King's Majeſty, his heirs and ſucceſſors, or any other patron or patrons, ſhall recover in any action of *quare impedit*, that after ſuch recovery it ſhall and may be lawful to and for the clerk of the King, his heirs and ſucceſſors, and for the clerk of ſuch patron and patrons, ſo recovering, and for the executors and adminiſtrators of ſuch clerks, to preſer his or their bill or bills in the high court of Chancery, or in the court of Exchequer, againſt the clerk defendant in the ſaid *quare impedit*, whether of the King's preſentation, or of the preſentation or collation of any other perſon, his executors and adminiſtrators, for an account of the profits of the benefice ſo recovered from the time the defendants in *quare impedit* ſhall be returned to have been ſummoned to appear in the ſaid ſuit, on which ſuch recovery ſhall be had; and the ſaid high court of Chancery and court of Exchequer ſhall decree a reaſonable value of the ſaid profits againſt ſuch clerk defendant, his executors and adminiſtrators, unleſs the clerk defendant, his executors and adminiſtrators, ſhall before ſuch ſuit voluntarily make oath in writing before the ordinary of the dioceſs, in which ſuch living ſhall lye, what he ſett the ſame for, or made thereof *bona fide*, and ſhall offer to account for the ſame accordingly, and make payment; in which caſe the clerk of the party recovering ſhall be concluded by ſuch oath, and receive the meſne profits accordingly, ſubject to the allowances and deductions in this act contained.

III. Provided always, That nothing herein contained ſhall entitle the clerk of any perſon ſo recovering to any profits of the living ſo recovered, which incurred before the twenty ninth day of September in the year of our lord one thouſand ſeven hundred and nineteen.

IV. Provided always, That where judgment ſhall be given upon demurrer, and the defendant or defendants in *quare impedit* ſhall not acquieſce in the ſaid judgment, but ſhall bring a writ or writs of error to another court, in ſuch caſe the clerk defendant in the ſaid *quare impedit* ſhall, upon affirmation of the judgment in that court where ſuch writ of error is brought, be accountable in the manner aforeſaid to the clerk of the plaintiff in *quare impedit* for all the profits of ſuch benefice or benefices ſo recovered from the time of the obtaining of the ſaid judgment upon demurrer.

V. Provided always, That it ſhall and may be lawful for the biſhop or ordinary of the dioceſs, where ſuch benefice doth lie, or for the guardian or guardians of the ſpiritualities, to allocate or allow by any writing under his or their hands and ſeals yearly and every year, during the time that ſuch benefices ſhall be conteſted, any ſum or ſums of money not exceeding ſixty pounds *per annum*, unleſs the third part of the annual profits of ſuch living ſhall exceed that ſum, in which caſe it may be lawful for the ordinary to allocate or allow any ſum not exceeding the third part of the annual profits of ſuch benefice, and ſo proportionably for every leſs ſpace of time; to be paid to ſuch clerk defendant having actual cure of ſouls, and ſerving the ſaid cure by himſelf or his curate, thereunto lawfully licenſed by the biſhop or ordinary of the dioceſs, or to ſuch other curate who ſhall be duly appointed to ſerve the cure thereof in caſe of vacancy and ſequeſtration; which ſaid allocation and ſervice of the cure being certified under the hand and ſeal of the ſaid biſhop or ordinary, or guardian or guardians of the ſpiritualities, ſuch ſum or ſums of money ſhall be allowed in the aforeſaid account of the ſaid profits.

Continuance 7 years, &c. *Expired. Vid.* 1 G. 2. 23. made *perpetual by* 13 G. 2. 4.

VI. Provided

VI. Provided always, that this act ſhall continue and be of force for ſeven years, and to the end of the next ſeſſion of Parliament after the expiration of the ſaid term of ſeven years, and no longer.

A. D. 1719.

CHAP. XII.

An Act for the better and more effectual apprehending and tranſporting felons and others, and for continuing and amending ſeveral laws made in this kingdom for ſuppreſſing tories, robbers, and rapparees.

WHEREAS it is found by experience, that the puniſhments, inflicted by the laws now in force againſt the offences of robbery and felony, have not proved effectual to deter wicked and ill diſpoſed perſons from committing the ſaid crimes: and whereas many offenders, to whom royal mercy has been extended on condition of tranſporting themſelves to the Weſt-Indies, have often neglected to perform the ſame, but inſtead thereof have abuſed the mercy ſhewn to them by his Majeſty, or his chief governor or governors of this kingdom; and by that means ſeveral goals of this kingdom are at this time filled with ſuch offenders; which is not only an encouragement to ſuch to go on in their wicked practices, but is a great charge to ſuch cities and counties, where ſuch perſons lie confined: to remedy the ſame for the future, be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That where any perſon or perſons have been convicted, or do now ſtand attainted, of any offence whatſoever, for which death by law ought to be inflicted, or tranſportation ordered, or where any offenders ſhall hereafter be convicted of any crimes whatſoever, for which by law they are to be excluded the benefit of clergy; and his Majeſty, his heirs or ſucceſſors, or his or their chief governor or governors of this kingdom, ſhall be pleaſed to extend mercy to any ſuch offenders on the condition of tranſportation to any part of America, it ſhall and may be lawful from and after the twenty fifth day of December one thouſand ſeven hundred and nineteen, for the ſeveral judges of aſſize, judges of the King's bench, commiſſioners of oyer and terminer, and the juſtices at the ſeſſions to be holden for the city and county of the city of Dublin, to allow ſuch offenders the benefit of a pardon on the condition of tranſportation; and that the ſame may be done with all convenient ſpeed, the ſeveral judges of aſſize, judges of the King's bench, commiſſioners of oyer and terminer,

4 *G.* 1. 11. *Eng.* 6 *G.* 1. 23. *Eng.* 8 *G.* 1. 9. Laws againſt robbers ineffectual.

Abuſe of mercy ſhewn to them.

Where mercy extended to offenders on condition of tranſportation.

Judges, &c. may allow benefit of pardon,

A. D. 1719. Chap. 12.

and juſtices aforeſaid, ſhall have full power and authority, and are hereby required, to order and direct a warrant of tranſportation for all ſuch offenders; and in caſe ſuch offenders ſhall not be in the city of Dublin, or ſome other ſea-port, which trade to ſome of his Majeſty's plantations in America, ſuch judges, commiſſioners, or juſtices, ſhall immediately order the ſheriff or ſheriffs of ſuch counties or cities, where ſuch offenders are, to tranſmit without fee or reward ſuch perſon or perſons, who now do or hereafter may lie under ſuch rule of tranſportation to the next ſea-port, city, or town, which trade to ſome of his Majeſty's plantations in America, and there to be delivered by the ſaid ſheriff or ſheriffs to the magiſtrate or officer of ſuch ſea-port, city, or town, who is hereby required to ſecure ſuch perſon or perſons till tranſportation can be had for them; the ſheriff or ſheriffs of the counties, where ſuch offenders have been convicted, firſt giving ſecurity, which they are hereby required to give the ſheriff or ſheriffs of ſuch county or counties, to which ſuch offenders ſhall be delivered in order to be tranſported, to reimburſe ſuch ſum or ſums of money as ſhall be diſburſed in giving the ſaid allowance to the offenders aforeſaid; which ſhall be afterwards levied by preſentment of the grand jury on the body of the county, in which ſuch offenders have been convicted, and they to be maintained till tranſportation at the publick charge of the counties or cities, where ſuch offenders were convicted, and to have ſuch allowance as priſoners now have in the goals of this kingdom, and the magiſtrates or officers, who ſhall have ſuch offenders in his or their cuſtody in order to tranſportation, are hereby impowered to contract with any perſon for ſuch tranſportation; and, after ſuch contract made, ſuch offenders ſhall be transferred and conveyed by the ſaid magiſtrate or officer to ſuch perſon or perſons, and to his or their aſſigns, to be by them tranſported; he or they entring into a recognizance of the ſum of fifty pounds, the condition of which ſhall be that ſuch offenders, ſo made over to them as aforeſaid, ſhall be tranſported.

and direct warrant of tranſportation; and ſheriff without fee to tranſmit them to next port trading to the plantations; *20 s. for tranſmittal, by 3 G. 2. 4.* and deliver to the magiſtrate till tranſportation.

Sheriff where convicted firſt giving ſecurity to ſheriff, where delivered, to reimburſe money for allowance, to be afterwards levied by preſentment where convicted.

Said magiſtrate may contract with any perſon for tranſportation on recognizance of 50 l. *tho' the time expired.* 12 G. 1. 8.

II. And that no ſuch offenders may eſcape the puniſhment deſigned them by ſuch tranſportation: be it further enacted by the authority aforeſaid, That the ſheriff or ſheriffs, who ſhall or may have ſuch order of tranſmittal directed to them as aforeſaid, ſhall at the next aſſizes or ſeſſions to be holden for ſuch county or city, from whence ſuch offenders were tranſmitted, lodge with the clerk of the crown or peace of ſuch county or city a certificate of his delivering ſuch priſoner or priſoners to the magiſtrate or officer of ſuch ſea-port, city, or town, as the ſaid warrant of tranſmittal ſhall direct.

Sheriff tranſmitting ſhall lodge certificate of delivery next aſſiſes.

III. And

III. And be it further enacted by the authority aforeſaid, That if any perſon ſhall after the firſt day of November one thouſand ſeven hundred and nineteen commit any grand or petit larceny, or feloniouſly ſteal or take away money, goods, or chattels, from the perſon or the houſe of any other, for which ſuch offender, as the law now ſtands, is intituled to the benefit of clergy, it ſhall and may be lawful for the court, before whom they were convicted, or any court held at the ſame place with the like authority, if they think fit, inſtead of ordering any ſuch offenders to be burnt in the hand or whipt, to order and direct that ſuch offenders ſhall be ſent to ſuch ſea-port, city, or town in manner aforeſaid, that they may be tranſported, as ſoon as conveniently may be, to ſome of his Majeſty's colonies and plantations in America for the ſpace of ſeven years; and that court, before whom they were convicted, or any ſubſequent court held at the ſame place with the like authority as the former, ſhall have power to convey, transfer, and make over, ſuch offenders by order of court to the uſe of any perſon or perſons, who ſhall contract in manner aforeſaid: for the performance of ſuch tranſportation to him or them, and his and their aſſigns for the term of ſeven years, to commence from the time of the offenders landing in America. A. D. 1719. Chap. 12.

For larceny, or offence for which clergy allowed, the court may, inſtead of burning in the hand or whipping, order tranſportation as aforeſaid 7 years from the landing in America.

IV. Be it further enacted by the authority aforeſaid, That if any offender or offenders, ſo ordered by any ſuch court to be tranſported for any term of ſeven years, or other time or times as aforeſaid, ſhall return into any part of this kingdom before the end of his, her, or their ſaid term, he or ſhe ſo returning as aforeſaid ſhall be liable to be puniſhed, as any perſon attainted of felony, without the benefit of clergy, and execution may and ſhall be awarded againſt ſuch offender or offenders accordingly.

Offenders returning before, felony without clergy.
2 *Anne* 12.
12 *G.* 1. 8.
21 *G.* 2. 12.

V. And whereas there are ſeveral perſons, who have ſecret acquaintance with felons, and who make it their buſineſs to help perſons to their ſtolen goods, and by that means gain money from them, which is divided between them and the felons, whereby they greatly encourage ſuch offenders: be it further enacted by the authority aforeſaid, That wherever any perſon taketh money or reward directly or indirectly, under pretence or upon account of helping any perſon or perſons to any ſtolen goods or chattels, every ſuch perſon ſo taking money or reward as aforeſaid, unleſs ſuch perſon doth apprehend or cauſe to be apprehended ſuch felon, who ſtole the ſame, and cauſe ſuch felon to be brought to his tryal for the ſame, and give evidence againſt him, ſhall be guilty of felony, and ſuffer the pain and penalties of felony according to the nature of the felony committed in ſtealing ſuch goods, and in ſuch

4 *G.* 1. 11. *ſec.* 6. *Eng.*

Perſons taking reward for helping to ſtolen goods, unleſs they apprehend and proſecute the felon, guilty of ſame felony.

A. D. 1719. Chap. 12.

ſuch and the ſame manner, as if ſuch offender had himſelf ſtole ſuch goods and chattels, in the manner and with ſuch circumſtances as the ſame were ſtolen.

Abuſes in robbery preſentments.

VI. And whereas there has been great abuſes in the raiſing and applotting of money given by grand juries to perſons, who have been robbed, be it further enacted by the authority aforeſaid, That where any preſentment ſhall hereafter be made for any ſuch money, the grand jury, who make ſuch preſentment, ſhall at the time of ſo doing name the perſon, or perſons againſt whom execution ſhall iſſue, of the barony or adjacent barony, where the robbery was committed; which money ſo to be raiſed ſhall be laid and applotted by the high conſtables of the ſeveral baronies equally on the holdings and poſſeſſions, as well of thoſe proteſtants and papiſts reſpectively, who are not inhabitants within the ſaid county, as of thoſe who are reſident therein; which applotment ſhall be made with all convenient ſpeed, ſo that it may be laid before and approved by the juſtices of the peace at the next quarter ſeſſions after ſuch preſentment made; and after their approbation thereof execution ſhall iſſue againſt the perſon or perſons, or his or their goods and chattels, who ſhall be named by the ſaid grand jury for his or their paying the ſeveral ſum or ſums of money ſo preſented: provided, ſuch perſon ſo preſented be not taken into actual execution, until forty one days after ſuch money ſhall be ſo applotted, and confirmed by the juſtices, in ſuch manner as is herein before appointed.

Grand jury at time of preſentment ſhall name the perſons againſt whom execution:

To be applotted by high conſtables equally on proteſtants and papiſts inhabitants or not.

Applotment to be approved at next ſeſſions after preſentment.

Then execution to iſſue againſt perſons named.

but the perſons not to be taken till 41 days after.

VII. And whereas it has been found by experience, That the rewards given for taking and apprehending of tories, robbers, and rapparees, have been the occaſion of many ſuch offenders being brought to condign puniſhment: but ſome doubts ariſing on the conſideration of the ſeveral ſtatutes, which enabled grand juries to give ſuch rewards: be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December one thouſand ſeven hundred and nineteen it ſhall and may be lawful for any grand jury to raiſe, as a reward for the taking and apprehending of any tory, robber, or rapparee, who ſhall be proclaimed, any ſum not exceeding the ſum of twenty pounds, whether ſuch tory, robber, or rapparee, ſhall be taken or convicted in the ſame or in any other county.

Grand jury may raiſe 20 l. reward for apprehending proclaimed tory, &c. in whatſoever county taken or convict.

7 *Wil.* 3. 21.
8 *G.* 1. 9.

VIII. And

VIII. And be it further enacted by the authority aforeſaid, That before any grand jury ſhall preſent any perſon to be a tory, robber, or rapparee, out upon his keeping, examinations ſhall be taken before ſome juſtice of the peace upon oath, before he ſhall be preſented as aforeſaid; which examination ſhall be lodged with the clerk of the crown or peace for the county or place, where ſuch perſon ſhall be preſented, and a copy thereof ſhall be certified, together with the preſentment, to the chief governor or governors and council of this kingdom, before the perſon ſo preſented ſhall be proclaimed.

A. D. 1719. Chap. 12.

Before tories, &c. preſented, examinations ſhall be taken and lodged with the clerk, and before proclaimed certified with preſentment to chief governors, &c.

IX. And whereas the ſeveral acts now in force for ſuppreſſing tories, robbers, and rapparees, are near expiring, be it further enacted by the authority aforeſaid, That one act, made in a Parliament held in the ſeventh year of his late Majeſty King William of glorious memory, intituled, *An act for the better ſuppreſſing tories, robbers, and rapparees, and for preventing robberies, burglaries, and other heinous crimes*, and alſo one other act, made in the ninth year of the reign of his ſaid late Majeſty, intituled, *An act to ſupply the defects, and for the better execution of, an act paſſed this preſent ſeſſion of Parliament*, intituled, *An act for the better ſuppreſſing tories and rapparees, and for preventing robberies, burglaries, and other heinous crimes*, and alſo one other act made in the ſixth year of the reign of her late Majeſty Queen Anne, intituled, *An act for explaining and amending two ſeveral acts againſt tories, robbers, and rapparees*, as alſo ſo much of one other act made in the fourth year of the reign of his preſent Majeſty, intituled, *An act for reviving, continuing, and amending ſeveral ſtatutes made in this kingdom heretofore temporary*, as relates to the apprehending or killing of proclaimed tories or robbers, be, and are hereby continued, and remain in full force, in all matters, wherein the ſame or any of them are not hereby altered, for ſeven years from the laſt day of this preſent ſeſſion of Parliament, and from thence to the end of the then next ſeſſion of Parliament.

7 *Wil.* 3. 21.

9 *Wil.* 3. 9.

6 *Anne* 11. and 4 *G.* 1. 9. ſo far as relating to killing proclaimed tories, &c.

All ſaid ſtatutes, ſo far as not hereby altered, continued 7 years, &c.

and further continued by ſeveral acts; and ſo far as not altered by 9 *G.* 2. 6. *continued* 21 *years*, &c. *by* 29 *G.* 2. 8.

CHAP. XIII.

An act for the better maintenance of curates within the church of Ireland.

12 *Anne* 12. *ſtat.* 2. *Eng.* 1 *G.* 2. 22. *explained and amended.*

WHEREAS the abſence of beneficed clergymen ought to be ſupplied by curates, that are ſufficient and licenced preachers, and no curates or miniſters ought to ſerve in any place without the examination and admiſſion of the biſhop of the dioceſs, or ordinary of the place having epiſcopal juriſdiction: but nevertheleſs for want of ſufficient maintenance and encouragement for ſuch curates the cures within this kingdom of Ireland have been in ſeveral places meanly ſupplied: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any beneficed clergyman, being a rector or vicar, having cure of ſouls, ſhall from and after the twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and twenty nominate and preſent any curate to the biſhop or ordinary to be licenced or admitted to ſerve the cure of ſuch rector or vicar in his abſence; the ſaid biſhop or ordinary, having regard to the greatneſs of the cure, and the value of the eccleſiaſtical benefices of ſuch rector or vicar, ſhall on or before the granting of ſuch licence appoint by writing under his hand and ſeal a ſufficient certain ſtipend or allowance, not exceeding fifty pounds *per annum*, nor leſs than twenty pounds *per annum*, to be paid or anſwered at ſuch times as he ſhall think fit by ſuch rector or vicar to ſuch curate for his ſupport and maintenance, where there is a church already, or where a church hereafter ſhall be built: and if it ſhall appear to the biſhop or ordinary upon complaint or otherwiſe, that any curate of ſuch rector or vicar, licenced or admitted before the ſaid twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and twenty, hath not a ſufficient maintenance, it ſhall be lawful to and for the ſaid biſhop and ordinary to appoint him a certain ſtipend or allowance in like manner as before mentioned; and in caſe any difference ſhall ariſe between any rector or vicar and his curate touching ſuch ſtipend or allowance, or the payment thereof, the biſhop or ordinary on complaint to him made ſhall ſummarily hear and determine the ſame; and, in caſe of neglect or refuſal to pay

Ordinary, according to greatneſs of the cure and value of benefice, ſhall appoint yearly ſtipend, not above 50 l. nor leſs than 20 l. payable to curate by rector or vicar.

and ſummarily determine differences,

and on non-payment ſequeſter the benefice,

pay ſuch ſtipend or allowance, may ſequeſter the profits of ſuch benefice for and until payment thereof. A. D. 1719. Chap. 13.

II. Provided, That where any incumbent ſhall be entituled to and poſſeſſed of more benefices with cure, than are by vertue of any epiſcopal union, which ſhall be made after the twenty fifth day of March one thouſand ſeven hundred and twenty, which lie contiguous, and the extent of them doth not exceed the number of three miles from the church, where the ſaid union is ſerved; it ſhall and may be lawful for the archbiſhop or biſhop of the reſpective dioceſs, where ſuch benefices ſhall lie, to appoint one curate and no more for ſuch benefices.

and appoint one curate for benefices poſſeſſed by epiſcopal union, lying contiguous, and the extent not above 3 miles from the church.

III. And whereas there are ſeveral pariſhes in this kingdom of ſuch great extent, that it is impoſſible for the inhabitants thereof to repair for divine worſhip to their pariſh church, being in ſome places ten or twelve miles diſtant from them: be it enacted by the authority aforeſaid, That it may and ſhall be lawful to and for the archbiſhop or biſhop of any dioceſs, wherein ſuch pariſhes are ſituated, or for the inhabitants of ſuch pariſhes, with the conſent of the archbiſhop or biſhop of the ſaid dioceſs, to erect or cauſe to be erected one chappel of eaſe or two chappels of eaſe, if any great number of inhabitants muſt otherwiſe be more than ſix miles from their place of publick worſhip; and that after ſuch chappel or chappels of eaſe ſhall be ſo erected and ſet apart for divine worſhip, the incumbent of the pariſh, where ſuch chappel or chappels are, ſhall find from time to time a ſufficient curate or curates, to be admitted and approved of as other curates are by the biſhop of the dioceſs, who ſhall from thenceforward conſtantly perform divine ſervice in the ſaid chappel or chappels, whereunto he or they ſhall be nominated and appointed as before; and that the incumbent of the pariſh, where ſuch chappel or chappels ſhall be ſettled as before, ſhall ſupport the ſaid curate or curates either by endowing the ſaid chappel or chappels with ſuch a portion of the tithes belonging to the ſaid pariſh, as ſhall be agreed upon by the archbiſhop or biſhop, the patron and incumbent, and the dean and chapter of the ſaid dioceſs, or the major part of the clergy beneficed in the dioceſs, when convened in the ſaid archbiſhops or biſhops ordinary viſitation, or elſe by paying annually by quarterly payments to ſuch curate or curates ſuch ſum or ſums, as the ſaid archbiſhop or biſhop of the dioceſs ſhall allocate and appoint, provided the ſum or ſums ſo allocated and appointed does not exceed one ſixth part of the yearly profits ariſing to ſuch incumbent out of the ſaid pariſh.

Pariſhes too extenſive.

If any great number of inhabitants more than ſix miles from place of worſhip, one or two chappels of eaſe may be erected.

1 G. 2. 22. *altered.*

Incumbent to find and ſupport ſufficient curates,

by endowment of tithes, as agreed on,

or by annual ſums allocated by biſhop, not exceeding one ſixth of profits.

IV. And

A. D. 1719.

Said chappels repaired at charge of the whole pariſh, or by annual rents at veſtry.

IV. And for the conſtant ſupport of ſuch chappel and chappels, be it further enacted by the authority aforeſaid, That the ſaid chappel or chappels ſhall be kept in good repair at the charges of the whole pariſh, where ſuch chappel or chappels are, in the ſame way and manner as the pariſh church has been, is, or ought to be kept in repair; or elſe by certain annual rents, to be placed on the ſaid account of the ſaid chappel or chappels, by the biſhop, incumbent, and the major part of the pariſhioners aſſembled at the veſtry to be duly appointed.

CHAP. XIV.

An Act for amending and enforcing a clauſe contained in an act to enable reſtitution of impropriations and tithes, and other rights eccleſiaſtical, to the clergy, with a reſtraint of aliening the ſame, and direction for preſentation to the churches.

10 & 11 C. 1. 2. *ſec.* 7. WHEREAS by an act made in the tenth and eleventh years of King Charles the firſt intituled, *An act to enable reſtitution of impropriations and tithes, and other rights eccleſiaſtical, to the clergy, with a reſtraint of aliening the ſame, and direction for preſentation to the churches,* it is amongſt other things enacted, "That all and every gifts, grants, alienations, leaſes, "forfeitures, charges, and incumbrances, impoſed, laid, or ſuf- "fered by any parſon, vicar, or beneficer of any benefice, of what "nature ſoever it be, having cure of ſouls within this kingdom of "Ireland, of or upon his ſaid benefice, or of or upon any part "thereof, ſhall be effectual and ſtand in force for ſuch time only "as ſuch parſon, vicar, or other beneficer, ſhall be reſident upon "his ſaid benefice:" as by the ſaid act may more at large appear: and whereas a doubt in ſome caſes hath ariſen whether a deanery, archdeaconry, dignity, or prebend of a cathedral church, is or are to be reckoned as a benefice or benefices having cure of ſouls within the ſaid act: for the remedying and preventing of all ſuits and controverſies which otherwiſe may hereupon ariſe, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of July in the year one thouſand ſeven

Doubt thereupon.

Deanery, archdeaconry, dignity, and prebend, of a

ſeven hundred and nineteen, every deanery, archdeaconry, dignity, and prebend of a cathedral church, the corps whereof conſiſts of one or more pariſh or pariſhes, or part or parts of pariſh or pariſhes, where no vicarage at preſent is endowed or eſtabliſhed, ſhall be ſo far, and no farther, deemed and reputed as a benefice having cure of ſouls within the above mentioned act, as that no leaſe or grant of any part or proportion of the tithes to any ſuch deanery, archdeaconry, dignity, or prebend belonging, hereafter made or to be made by any dean, archdeacon, dignitary, or prebendary of any cathedral church, to whom the ſame does or ſhall belong, ſhall be good or valid in law for or during any longer term or time, than only for and during the incumbency of ſuch dean, archdeacon, dignitary, or prebendary.

A. D. 1719. Chap. 14.

cathedral, where no vicarage endowed, ſo far deemed benefice with cure within ſaid act, as that no leaſe or grant of tithes ſhall be good longer than during incumbency of dean, &c.

II. Provided always, That nothing in this act contained ſhall extend, or be conſtrued, to avoid any leaſe or grant made by any dean, archdeacon, or prebendary, having cure of ſouls as above mentioned, before the firſt day of July aforeſaid: but that the ſame ſhall be and remain of the ſame and no other force, as the ſame was or would have been, if this act had never been made.

Not to avoid leaſe or grant before 1ſt July 1719.

III. And the better to prevent alienations of tithes, be it further enacted by the authority aforeſaid, That if any dignitary or prebendary of any cathedral church, or any other eccleſiaſtical perſon, being rector of any pariſh within this kingdom where there is a vicarage endowed, ſhall after the ſixth day of Auguſt one thouſand ſeven hundred and nineteen ſet the tithes belonging to his reſpective dignity, prebend, or rectory, for any longer time than during his incumbency (except where ſuch tithes have been ſet in leaſe for the greateſt part of thirty years laſt paſt) ſuch leaſe ſhall be null and void to all intents and purpoſes as to the ſucceſſor.

Leaſe by dignitary, prebendary, or rector where vicarage endowed, of tithes longer than incumbency (except ſet in leaſe for greateſt part of 30 years) void as to ſucceſſor.

CHAP. XV.

An Act for the more effectual amendment of the pavements of the several counties of cities and counties of towns in this kingdom: and for preventing mischiefs that may happen by fire in the city of Dublin; and for augmenting the number of hackney-coaches and chairs in the said city.

Recital of 4 G. 1. 11. Sec. 1.

WHEREAS by an act passed the last session of Parliament, intituled, *An Act for the better amendment of the pavements, and more effectual cleansing the streets, of the city of Dublin, and for removing encroachments and nusances that are or shall be erected therein; and preventing mischiefs occasioned by drivers of carts, drays, or cars, riding thereon, and for regulating the selling of hay in the city of Dublin, and liberties thereunto adjoining*, it is amongst other things enacted, " That it should and might be " lawful to and for the lord mayor, with one of the sheriffs, and " two of the aldermen of the said city for the time being, to be " nominated by the lord mayor from time to time, as often as there " should be occasion, within the said city and suburbs, and for the " respective seneschals of the several liberties thereunto adjoin- " ing, with three of the jury of the leet within the said liberties " respectively, to be nominated by the respective seneschals of " the said liberties, to cause, order, and direct the levelling, new " paving, raising, and amending the publick pavements within " the said city of Dublin and suburbs thereof, and liberties there- " unto adjoining, by giving notice in writing to the chief tenant " or tenants inhabiting and dwelling in any house or houses, " or, in case the said house or houses are waste, or the ground " unbuilt, to the owner or other person interested therein, be- " fore whose house, tenements, or ground, such pavements shall " be thought necessary to be levelled, new paved, raised, or " mended, that every chief tenant inhabiting or dwelling in such " house or houses, and the owners or other persons interested " in such waste houses or ground unbuilt, should within fifteen " days take up, raise, or lower, and amend such pavements in " such manner, and according to such dimensions, as the lord " mayor, with one of the sheriffs, and two of the aldermen of " the said city, to be appointed by the lord mayor within the " city of Dublin and suburbs thereof, and the respective " seneschals of the several liberties thereunto adjoyning, " with three of the jury of the leet within the said li-

" berties

" berties reſpectively, to be nominated as aforeſaid, ſhould di-
" rect and appoint by ſuch their order in writing :" and in caſe ſuch chief tenant inhabiting or dwelling in ſuch houſe, or the owner or other perſon intereſted in any waſte houſe or ground unbuilt, ſhould neglect or refuſe to repair, amend, and make ſuch pavement in ſuch manner, as ſhould be ſo directed, by the ſpace of forty days after ſuch notice, that then it ſhould and might be lawful to and for the ſaid lord mayor, with one of the ſheriffs and two of the aldermen within the ſaid city and ſuburbs, and for the reſpective ſeneſchals of the ſeveral liberties thereunto adjoining, with three of the jury of the leet within the ſaid liberties reſpectively, to be nominated as aforeſaid, to employ and ſet pavers to digg up, amend, and finiſh ſuch pavements, according to ſuch regulation as the lord mayor, with one of the ſheriffs and two of the aldermen of the ſaid city within the ſaid city and ſuburbs, and reſpective ſeneſchals of the ſaid liberties thereunto adjoining, with three of the jury of the leet within the ſaid liberties to be nominated as aforeſaid reſpectively, on view of ſuch pavements ſhould find neceſſary, and thereupon ſhould oblige ſuch chief tenant or tenants ſo inhabiting or dwelling in ſuch houſe or houſes, and the owner or other perſon intereſted in ſuch waſte-houſes and ground unbuilt, to pay the uſual and reaſonable price for paving, altering, and amending ſuch pavements, ſo as the ſame ſhould not exceed in the whole the ſum of twenty ſhillings at any one time on any chief tenant inhabiting and dwelling in ſuch houſe or houſes as aforeſaid, or on the owner or perſons intereſted in any waſte houſe or ground : and whereas the term of forty days limitted to each chief tenant inhabiting or dwelling in any houſe, and to the owners or other perſons in any waſte houſe or ground unbuilt, after notice given him or them as aforeſaid to repair, amend, or make their reſpective pavements, is found by experience to be ſo long, that it doth not anſwer the end intended, and, in regard no penalty is inflicted by the ſaid recited act on ſuch, as do not obſerve ſuch orders or directions, ſeveral perſons neglect or refuſe to obey the ſame; and by reaſon of the great extent of the city of Dublin it is almoſt impoſſible for the lord mayor of the ſaid city to ſee the ſaid recited act duly put in execution : for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of November in the year of our Lord one thouſand ſeven hundred and nineteen it ſhall and may be lawful to and for the lord mayor and

40 days after notice to repair, too long.

No penalty inflicted by ſaid act.

Lord mayor, one ſheriff and every alderman in his ward, with aſſiſtance of deputies, may regulate the pavements.

3 *G.* 2. 13. *it may be done without con-*

A. D. 1719. Chap. 15.

and one ſheriff within the ſaid city and ſuburbs, and to and for every alderman of the ſaid city within his reſpective ward, taking to his aſſiſtance the deputy aldermen of ſuch ward, to regulate the pavements of the ſaid city and ſuburbs in the ſame manner, as the lord mayor, one ſheriff, and two of the aldermen of the ſaid city might have done by the ſaid recited act; and in caſe any chief tenant inhabiting or dwelling in any houſe, or the owner or other perſon intereſted in any waſte houſe or ground unbuilt, ſhall neglect or refuſe by the ſpace of fourteen days after notice given in writing by the perſons, impowered by this and the ſaid former act to give ſuch notice, to repair, amend, and make ſuch pavement in ſuch manner as ſhall be therein directed, ſuch perſon or perſons ſo refuſing or neglecting ſhall forfeit the ſum of five ſhillings *ſterling* for every ſuch offence, to be recovered before the lord mayor of the city of Dublin within the ſaid city and ſuburbs thereof, and before the reſpective ſeneſchals within the liberties thereunto adjoining, by the oath of one or more witneſs or witneſſes; the ſaid penalties after conviction to be levied by diſtreſs by warrant under the hand and ſeal of the ſaid lord mayor and ſeneſchals within their reſpective juriſdictions, and to be paid to the informer; and that, over and above the ſaid penalty, in caſe of ſuch refuſal and neglect it ſhall and may be lawful to and for the ſaid lord mayor and one ſheriff within the city of Dublin and ſuburbs thereof, the aldermen and deputy-aldermen of each ward within their reſpective wards, and the ſeneſchals of the adjoining liberties, and three of the jury of the leet within their reſpective juriſdictions, to imploy and ſet pavers to make, amend, repair, and finiſh ſuch pavements, and to pay them after ſuch work is finiſhed, in the ſame manner as is directed by the ſaid recited act.

currence of ſaid perſons.

Chief inhabitant, or the owner, &c. not paving in 14 days after notice,

Penalty 5 s. to informer, before lord mayor, &c.

and lord mayor, &c. may employ pavers as by ſaid act.

II. Provided always, That if any perſon or perſons ſhall find him or themſelves aggrieved or prejudiced by ſuch order or directions, or by any other acts or proceedings of the ſeveral perſons by this or the ſaid recited act authorized to regulate the ſaid pavements, the party or parties ſo agrieved may ſet forth his or their caſe by petition to the next general quarter-ſeſſions of the peace for the county, where ſuch houſe or waſte ground is ſituated; and the juſtices of the peace of the ſaid quarter-ſeſſions are hereby impowered, in caſe of ſuch appeal, to hear and finally determine all matters to them complained of concerning the ſame, and thereupon to revoke, make void, alter, or confirm, ſuch acts or proceedings of the ſaid perſons ſo authorized as aforeſaid to regulate the ſaid pavements, as to them ſhall ſeem juſt and reaſonable;

Appeal to ſeſſions.

ſonable; any thing in this or the ſaid recited act to the contrary notwithſtanding. A. D. 1719.

III. And whereas great quantities of aſhes, dirt, rubbiſh, dung, and other filth, are frequently laid in the waſte ground on the back of Caple-ſtreet, known by the name of the name of the Little-green, and on the waſte ground at the end of Aungier-ſtreet, known by the name of the Dunghills, next adjoining to St. Peter's-church, and in divers other waſte parts of the ſaid city and liberties, to the annoyance of its inhabitants: for remedy whereof, be it further enacted by the authority aforeſaid, that no perſon or perſons whatſoever ſhall throw, caſt, or lay, or cauſe, permit, or ſuffer to be thrown, caſt, or laid, any aſhes, dirt, rubbiſh, dung, or other filth, or annoyance in the ſaid waſte grounds, or any of them, upon pain to forfeit for every ſuch offence the ſum of ten ſhillings *ſterling*; to be levied after conviction by the oath of one or more witneſs or witneſſes before one or more juſtice or juſtices of the peace of the ſaid city, or the ſeneſchals of the ſaid liberties within their reſpective liberties, by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal of ſuch juſtice or juſtices, ſeneſchal or ſeneſchals reſpectively, to be paid to the informer, rendring the overplus to the owners; and in caſe of inability in the offender to pay the ſame, ſuch offender ſhall be ſent to the houſe of correction, there to be whipt and kept at hard labour for the ſpace of forty eight hours. Chap. 15.

Laying rubbiſh, &c. in waſte parts of the city,

penalty 10s. before a juſtice, by diſtreſs,

or houſe of correction.

IV. And whereas in the liberties of St. Sepulcher's, Thomas-court, and Donore, there is no law in being, that obliges the inhabitants thereof to pay the ſcavengers, by means whereof the ſtreets and lanes in the liberties are extream dirty and full of filth and rubbiſh, which not being removed and taken away annoys the inhabitants thereof, and all other his Majeſty's ſubjects, that paſs through the ſaid liberties: be it further enacted by the authority aforeſaid, That at the next court-leet that ſhall be held within the ſaid liberties after the twenty ninth day of September next, and ſo yearly at any court-leet to be held from time to time within the ſaid reſpective liberties, the grand jury of the reſpective leets ſhall preſent a fit perſon or perſons within their reſpective liberties at the ſaid reſpective court-leets to the ſeneſchals of the ſaid mannor, to be a ſcavenger or ſcavengers for the ſaid reſpective liberties; which ſaid preſentment ſhall be confirmed by the reſpective ſeneſchals, if they do not ſee a reaſonable cauſe to the contrary; and the grand juries for the ſaid liberties ſhall yearly at the court-leet next after Eaſter in every year by preſentment appoint and aſcertain ſuch annual ſum or ſums of money,

In the liberties grand juries of the leets yearly to preſent ſcavengers to be confirmed by ſeneſchals,

and after Eaſter aſcertain their annual payments; 3 *G.* 2. 13. *altered.*

A. D. 1719. Chap. 15.

money, that the reſpective inhabitants thereof ſhall pay to the ſcavenger or ſcavengers for the cleanſing the ſtreets and lanes of the ſaid liberties; and ſhall alſo in ſuch preſentment name two or more applotters, who ſhall be ſworn in open court equally and indifferently to applot ſuch ſum or ſums of money upon the ſeveral inhabitants of the ſaid reſpective liberties; and in caſe any of the inhabitants thereof ſhall neglect or refuſe to pay the ſum ſo applotted to be paid by him or them reſpectively to the ſaid ſcavenger by the ſaid preſentment, that then and ſo often the ſeneſchals of the reſpective liberties ſhall iſſue a warrant under their hands and ſeals to levy the ſame by diſtreſs, and cauſing ſo much of the offenders goods to be ſold as ſhall pay the ſcavenger the ſum, that the ſaid offender was obliged to pay by the ſaid preſentments and applotment, rendring the overplus to the owner.

and name applotters, to be ſworn.

Seneſchals to levy by diſtreſs on inhabitants not paying.

V. And for the more ſpeedy and more effectual repairing and amending the pavements, and keeping clean the ſeveral ſtreets, lanes, and alleys within the walls of the ſeveral counties of cities, and counties of towns in this kingdom: be it further enacted by the authority aforeſaid, That ſo much of this preſent act, and of the ſaid recited act, as relates to the repairing and amending the publick pavements, and keeping clean the ſtreets, lanes, and alleys of the city of Dublin, ſhall be in force and extend to all and every of the counties of cities and counties of towns in this kingdom; and that the ſeveral mayors, and two of the aldermen, of the ſaid counties of cities and counties of towns for the time being, ſhall reſpectively have ſuch and the ſame powers and authorities (liable to ſuch and the like appeal) for repairing and amending the pavements and keeping clean the ſtreets, lanes, and alleys, within the walls of the ſaid counties of cities, and counties of towns, as hereby are given to the lord mayor and one of the ſheriffs of the ſaid city of Dublin.

So much of this and ſaid act as relates to the ſtreets, extended to all counties of cities and towns.

The ſeveral mayors, and two aldermen to have like powers, and the like appeal.

VI. And whereas by an act made in the reign of her late Majeſty Queen Anne, intituled, *An act for cleanſing the port, harbour, and river of Dublin, and for erecting a Ballaſt-office in the ſaid city*, it is enacted, "That all lighters, gabbards, and wherrys, "which ſhall be employed in the ſaid port or river below the "bridge, commonly called the Wooden-bridge in the city of "Dublin aforeſaid, ſhall pay, and the reſpective proprietors and "owners ſhall be charged with the payment, to the ſaid Ballaſt-"office of the reſpective ſums of money in the ſaid act mentioned:" and whereas great difficulties have ariſen in the collecting of the ſums charged by the ſaid act on ſuch lighters, gabbards, and wherrys, by reaſon that the reſpective owners and proprietors

Recital of 6 *Anne* 20. *Sec.* 6.

Difficulty of collecting the ſums therein charged.

charged

charged with such payment cannot easily be discovered, or, when discovered, frequently keep out of the way, or conceal themselves, so as no process can reach them: be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the master of the Ballast-office in the said city of Dublin for the time being, and his deputy or deputies, in case of non-payment of the several and respective sums by the said act charged as aforesaid, to enter into any lighter, gabbard, or wherry, charged with the said respective sums, and to distrain the sails, oars, tackle, apparel, and furniture of every such lighter, gabbard, or wherry, or any part thereof, and the same to detain and keep until he or they be satisfied and paid such sum and sums of money charged on such lighter, gabbard, and wherry, and every of them; and in case of neglect or delay of or in payment of the said sum or sums of money, or any of them, within ten days after any distress or distresses so taken as aforesaid; that then it shall and may be lawful to and for the said master of the said Ballast-office, his deputy or deputies, and every or any of them, to sell the said distress or distresses so taken, and therewith to satisfie him and themselves, as well for and concerning the duty so neglected or delayed to be paid, and for which a distress shall be so taken as aforesaid, as also for his and their reasonable charge in the taking or keeping of such distresses, rendring the overplus, if any, arising by such sale, to the person and persons, who shall work, sail, or ply in such lighter, gabbard, or wherry, for the use of the several and respective proprietors and owners thereof.

Ballast-office master on non-payment may enter gabbards, &c. and distrain the sails and furniture, and sell in 10 days, if not paid.

VII. And whereas it is by the said act also further enacted, "That "it shall not be lawful to and for the officers of her Majesty's Cus- "tom-house in Dublin to clear and discharge any ship or ships "outward bound, or to permit any ship or ships outward bound "to sail, till the commander or master thereof shall have brought "a discharge from a master of the ballast-office, testifying such "ship or ships to have paid and cleared their ballast-money in "case they took in ballast, and likewise all and singular the du- "ties by the said act imposed:" and whereas several ships bound coast-ways have been by the officers of the said Custom-house permitted to sail without such discharge, whereby the said office has been deprived of several sums of money charged by the said act: be it enacted by the authority aforesaid, That no ship or ships above thirty tuns shall be permitted by the officers of the said Custom-house in Dublin to sail coast-ways, until the commander or master thereof shall have brought a discharge from the master of the Ballast-office, or his deputy, testifying such ship and ships to have paid and cleared their ballast-money in case they

6 Anne 20. *Sec.* 7.

No ship above 30 tuns permitted to sail coast-ways without discharge from ballast-office, &c.

A. D. 1719. Chap. 15.

they have taken in ballaſt, and likewiſe all and ſingular the duties by the act herein before mentioned, charged, and impoſed.

To prevent fires in Dublin,

6 *Anne* 31. *Eng.*

VIII. And whereas many fires have broke out in ſeveral places in and about the city of Dublin, and liberties thereunto adjoining, and many houſes have been burnt and conſumed, before ſuch fires could be extinguiſhed, to the impoveriſhing and utter ruin of many of his Majeſty's ſubjects, the rage and violence whereof might have been in great part prevented, if a ſufficient quantity of water had been provided in the pipes lying in the ſtreets: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the church-wardens of each and every pariſh within the city of Dublin and liberties thereof, and within the ſeveral and reſpective liberties thereunto adjoining, at any time or times before the firſt day of May in the year of our Lord one thouſand ſeven hundred and twenty one, and ſo for ever after, to make, place, or fix, at the charge of ſuch reſpective pariſh, upon the mains and pipes belonging to any water-work whatſoever within the place aforeſaid, where ſuch mains and pipes are now laid, or that hereafter ſhall be laid, within the ſaid city and liberties, ſuch and ſo many ſtop-blocks of wood with a two inch plugg, or ſuch and ſo many fire-cocks, to go into each main or pipe, and to be placed at ſuch diſtances in each or any ſtreet and place, where ſuch church-wardens for the time being ſhall direct or appoint, and the top of ſuch ſtop-blocks to lye even with the pavement of each ſtreet or place, to the intent ſuch pluggs or fire-cocks may always upon occaſion of any fire be opened, and let out the water without any loſs of time in digging down to the pipes; and that all, and every, or any church-wardens ſhall and hereby have power to fix any mark or writing in the front of any houſe or houſes over againſt the ſaid place, for the better making known to the inhabitants where ſuch ſtop-blocks and fire-cocks do lye, and to keep an inſtrument in each houſe, where the mark is fixed, to open the plugg or fire-cock; ſuch ſtop-blocks, pluggs, and fire-cocks, to be kept in repair at the charge of each pariſh where the ſame ſhall be ſo placed; and that each and every pariſh within the city of Dublin and ſuburbs thereof, and within the liberties thereunto adjoining, ſhall from time to time, and at all times, have and keep in good order and repair in ſome known and publick place within each pariſh a large engine, and alſo a hand-engine to throw up water for the extinguiſhing of fires; and alſo ſhall provide, keep, and maintain one leather-pipe and ſocket of the ſame ſize as the plugg or fire-cock, to the intent the ſocket may be put into the pipe to convey the water clean, and without loſs of time or help of bucket, into the engine, and in

Church-wardens at pariſh charge ſhall fix ſtop-blocks or fire-cockson mains and pipes of water-works,

the top even with the pavement,

and a mark in front of oppoſite houſe;

and keep an inſtrument there to open.

Each pariſh ſhall keep one large and one hand engine, leather pipe and ſocket.

in default of making, placing, fixing, and continuing ſuch ſtop-blocks or fire-cocks on the ſeveral mains and pipes; as alſo in default of having and keeping in good repair from time to time ſuch large engine, hand-engine, leather pipe, and ſocket, as aforeſaid; it ſhall and may be lawful to and for the reſpective grand juries of the reſpective counties, where ſuch pariſh lies, at the general quarter-ſeſſions, to be held for ſuch county, to preſent and charge upon the ſeveral inhabitants of ſuch pariſh ſuch ſum or ſums of money, as may enable the church-wardens to buy and provide ſuch ſtop-blocks, with a two inch plugg, and fire-cocks, as ſhall be found neceſſary to be fixed or placed in ſuch pariſh; and alſo to buy and provide within ſuch pariſh a large engine, and a hand-engine, to throw up water, with one leather pipe and ſocket of the ſame ſize as the plugg or fire-cock; the ſame to be levied on the ſaid pariſh in like manner as other publick moneys are levied within the ſaid county.

A. D. 1719. Chap. 15.

On default, grand juries at ſeſſions may preſent a ſufficient ſum, levied as other publick money.

IX. And to the end that the ſaid engine, ſtop-block, and fire-cocks, may from time to time be kept in good order and repair, be it further enacted by the authority aforeſaid, That the miniſter, church-wardens, and pariſhioners of the ſeveral pariſhes within the ſaid city and ſuburbs, and liberties thereunto adjoining, in their reſpective veſtries yearly, and every year, on the firſt day of January, or within two days after, ſhall and are hereby required to appoint one or more perſon or perſons in each pariſh to take care of the ſaid engines, leather pipe, and ſocket, and of the ſeveral ſtop-blocks and fire-cocks on the mains and pipes within the ſaid pariſh; who from time to time, as there ſhall be occaſion, ſhall at the charge of the ſaid pariſh keep and maintain them in good order and repair; and in caſe ſuch perſon or perſons ſo to be appointed ſhall neglect or omit to keep in good order or repair ſuch engines, leather pipe, ſocket, ſtop-block, and fire-cocks, being convicted thereof before two of his Majeſty's juſtices of the peace by the oath of one or more witneſs or witneſſes, ſhall forfeit and pay the ſum of ten pounds, one moiety thereof to the informer, and the other moiety to the church-wardens of the ſaid pariſh, to be laid out in providing, maintaining, and repairing ſuch engine or engines, leather pipe, and ſocket, to be recovered by warrant from two of his Majeſty's juſtices of the peace, by diſtreſs and ſale of ſuch offenders goods, the overplus, if any be, to be returned to the owner thereof; and that the firſt engine-keeper, who brings in a pariſh-engine to help to extinguiſh any fire, if in good order and compleat, with a ſocket hole and leather pipe, ſhall be paid twenty ſhillings; the keeper of the ſecond pariſh engine, that ſhall be next brought to a fire, ſhall be

Engine keepers ſhall be appointed at veſtry 1ſt Jan. &c. yearly.

Penalty on neglect 10 l.

For 1ſt engine brought to extinguiſh a fire, 20 s.

the 2d, 10s.

A. D. 1719. Chap. 15.

paid ten ſhillings, and the third five ſhillings, by the church-wardens of each pariſh where ſuch fire ſhall happen; the ſaid money to be afterwards charged and paid by the inhabitants of ſuch pariſh to reimburſe the ſaid church-wardens; in the ſame manner as other pariſh-ſeſſes in the ſaid pariſh are raiſed; and in default of payment thereof ſuch reward ſhall be recoverable from the church-wardens, where ſuch fire ſhall happen, by warrant from two of his Majeſty's juſtices of the peace, by diſtreſs and ſale of ſuch church-warden or church-wardens goods, the overplus to be returned, if any be, to the ſaid church-warden or church-wardens.

3d; 5s. paid by church-wardens, and reimburſed by the pariſh.

Number of coaches and chairs in Dublin too few.

X. And whereas the city of Dublin is of late very much increaſed in building, and the inhabitants thereof ſo many, that it hath been found by experience, that the number of chairs and coaches are too few to ſupply the perſons, who have occaſion for them; and by means of a few covetous people, who have engroſſed the property of many chairs, the carriers of chairs are obliged to pay ſuch exceſſive rates for the uſe of them: for remedy whereof, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord-mayor, recorder and aldermen of the city of Dublin, together with the ſeneſchals of the reſpective liberties of Saint Sepulchre's, Thomas-court, and Donore, or any ſeven of them, whereof the lord-mayor or recorder to be always one, to licence fifty more coaches, and forty more chairs; and for every licence to be granted for every ſuch coach there ſhall be paid to the governors of the Blue-coat Hoſpital in Oxmantown near Dublin the ſum of one pound five ſhillings, before ſuch licence ſhall be delivered as aforeſaid; and the licences, and every of them, ſhall be granted to continue during the term of ſix years from the firſt day of May one thouſand ſeven hundred and nineteen, and no longer; and upon every ſuch licence there ſhall be reſerved the ſame yearly rents, as are now reſerved on chairs and coaches; ſuch rent to be paid to the ſaid governors of the Blue-coat Hoſpital during ſuch term as aforeſaid; and ſuch licenced chairs and coaches ſhall and are hereby declared to be liable and under the ſame rules, regulations, orders, and directions, as the other licenced coaches and chairs of the city of Dublin now are ſubject to.

Lord-mayor, &c. may licenſe 50 more coaches and 40 chairs.

1 L. 5s. to be paid to Blue Coat Hoſpital for licence of every coach.

Licences to continue 6 years from 1 May 1719, *continued to end of the ſeſſion after, by* 10 G. 1. 4. *expired: but revived with different powers by* 1 G. 2. 27.

Same yearly rents reſerved: to ſaid hoſpital.

None to have more than 2 licenſed chairs,

XI. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall have in his own name, or in the name of any other perſon for his or their uſe, or in truſt for him or them, of the chairs appointed by this act to be licenced any more than the property of two ſuch licenced chairs; and in caſe it ſhall appear by information upon oath by two credible witneſſes at the leaſt before the lord-mayor of the city of Dublin, that any one perſon ſhall be poſſeſſed in his own name, or in the name of any other perſon in truſt for him or her, of any more than two chairs to be licenced by this act, which ſhall be let out by them in order to ply for hire in the city of Dublin, ſuch perſon or perſons ſhall on proof thereof forfeit all licences whatſoever, which he, ſhe, or they, ſhall appear to be intitled unto, and likewiſe the ſum of forty ſhillings; one moiety whereof ſhall be to the uſe of the governors of the ſaid Blue-coat Hoſpital, for the benefit of the ſaid hoſpital, and the other moiety to the informer; and the lord-mayor of the city of Dublin, on covi&tion made before him on oath as aforeſaid, is hereby impowered to iſſue his warrant to diſtrain the goods and chattles of the perſon or perſons ſo convicted for the penalty he, ſhe, or they, ſhall have incurred, and to cauſe ſale to be made of ſuch diſtreſs; and, after the penalties and charges are deducted, to return the overplus ariſing by ſuch ſale to the owner; and the lord-mayor, recorder, aldermen, and ſeneſchals aforeſaid, or any ſeven of them, whereof the lord-mayor

On pain of forfeiture of all licences, and 40 s. to ſaid hoſpital and informer,

before lord mayor.

or

A. D. 1719.

or recorder ſhall be always one, are hereby impowered to grant ſuch forfeited licences to any other perſon or perſons, who will purchaſe the ſame by paying down a reaſonable fine, which fine ſhall be for the benefit of the ſaid Blew-coat Hoſpital.

Forfeited licences grantable to any purchaſer, paying fine to ſaid hoſpital.

XII. And whereas the hire now allowed to coaches is too ſmall, and not able to ſupport the owners, be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December one thouſand ſeven hundred and nineteen, there ſhall be allowed and paid by every employer ſix ſhillings *per diem* for each days hire.

Hire of coaches too ſmall. 6 s. *per diem* to be paid. *Altered 25 G. 2. 16.*

XIII. And to the end the number of coaches and chairs hereby augmented may be ſet up and employed according to the true intent and meaning of this act, be it enacted by the authority aforeſaid, That no licence for any coach or coaches in purſuance of this act be granted to any perſon or perſons, who ſhall not firſt give ſecurity to the lord-mayor, ſheriffs, commons, and citizens of the ſaid city, in the penalty of twenty pounds; nor a licence for any chair or chairs be granted to any perſon or perſons, who ſhall not firſt give ſecurity to the ſaid lord-mayor, ſheriffs, commons, and citizens, in the penalty of five pounds, conditioned that ſuch perſon or perſons, ſo to be licenced to fit out a coach or chair, ſhall within three months from the date of ſuch grant or licence fit out and ſet up ſuch coach or chair, and continue the ſame during the term by ſuch licence granted; and in caſe any perſon or perſons obtaining ſuch licence by virtue of this act, who hath, have, or may have in his, her, or their own name, or in the name of any other perſon or perſons in truſt for him or them, a licence for one or more coach or coaches, chair or chairs, by virtue of any licence granted to him or them by virtue of any former act, who ſhall neglect or refuſe to ſend out as well the former licenced coach or coaches, chair or chairs, to ply for hire, as the new ones reſpectively to be granted by this act, but ſhall wilfully ſuppreſs the ſame during the ſpace of one month, all the ſaid licences granted by virtue of this preſent act, which he, ſhe, or they ſhall have, are hereby declared to be void: and it ſhall and may be lawful to and for the lord-mayor, recorder, aldermen, and ſeneſchals aforeſaid, upon certificate in writing from any juſtice of the peace of the city of Dublin that full proof thereof hath been made before him by the oath of one or more witneſs or witneſſes, that ſuch coach or coaches, chair or chairs, hath or have been ſuppreſſed for the time aforeſaid, to make a new grant of ſuch forfeited licence or licences to any perſon or perſons whatſoever; any thing in this act to the contrary notwithſtanding.

Before licence 20 l. ſecurity ſhall be given for coaches, 5 l. for chairs, to fit up ſuch coach or chair in three months, and continue during the term.

Perſons licenſed willfully ſuppreſſing coaches or chairs one month; all licences, granted by this act, void,

on certificate thereof from any juſtice, new grant may be made to any perſon.

CHAP. XVI.

An act for cleanſing and repairing the water-courſe leading from the river Dodeer to the city of Dublin, and to prevent the diverting and corrupting the water therein.

WHEREAS the city of Dublin hath for many ages paſt been ſeized and poſſeſſed of a water-courſe taken out of the river Dodeer, and now beginning at the ware at the foot of Ballruddery-hill, between an houſe now called Aſhworth's new paper-mill, and one other ſmall ſtone-houſe belonging to Sir Thomas Domvile under the aforeſaid hill, which water-courſe from thence goes into and through the lands of Temple-Oge and other lands to the city of Dublin, which is the chief ſupply of water not only for the inhabitants of the ſaid city, but alſo for his

City of Dublin long poſſeſſed of a water-courſe out of river Dodeer,

A. D. 1719. Chap. 16.

his Majeſty's caſtle of Dublin, and which without it would ſuffer exceeding great prejudice: and whereas the ſaid water hath its courſe through the lands of divers perſons, who many times do hinder the ſaid city from repairing the banks of the ſaid water-courſe, againſt ancient uſage and practice, and ſuch perſons or their tenants have very lately erected on the ſaid water-courſe tucking-mills, in which urine, ſope, and other unwholſome materials, are made uſe of, and dyers of linnen and woollen cloth and yarn, and ſkinners, dip, waſh, ſcour, and cleanſe great quantities of died linnen and woollen-cloth, yarn, and ſkins, in the ſaid water-courſe, by which the water is greatly corrupted, to the endangering the healths of the inhabitants of the ſaid city: and divers other mills have alſo of late been erected, and more are building on the ſaid courſe, to which very great dams and ponds are made and making for holding and receiving the ſaid water, by reaſon whereof the courſe of the ſaid water to the ſaid city is frequently for ſeveral hours intirely ſtopt, and the banks of the ſaid water-courſe have been broke down in ſeveral places, and new channels cut to carry off the water from its ancient courſe to bleaching-yards and mills, that have been lately made and erected; moſt part of which water, by being ſo diverted, is loſt, and never returns to its ancient courſe, or is greatly corrupted, ſo that in the ſummer ſeaſon there is not ſufficient water to ſerve its inhabitants, or to extinguiſh any fire: and foraſmuch as it is of abſolute neceſſity that all cities and great towns ſhould be plentifully ſupplied with ſweet and wholſome running water for the ſervice of its inhabitants: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame,

which hath been diverted or corrupted, and the banks not ſuffered to be repaired.

Lord-mayor, &c. ſhall quietly enjoy ſaid water-courſe,

That the lord-mayor, ſheriffs, commons, and citizens of the ſaid city of Dublin, and their ſucceſſors, ſhall and may peaceably and quietly have, hold, occupy, poſſeſs, and enjoy, the aforeſaid ancient water-courſe, and have free liberty from time to time, without being liable to any treſpaſs or other action for the ſame, to enter with neceſſary workmen, horſes, and carriages, on any land or ground, through which the ſaid water-courſe doth run, to dig and trench, repair, ſuſtain, and amend, the ſaid water-courſe and wear; ſo as ſuch wear, croſs the ſaid river Dodeer at the head of the ſaid water-courſe, be not raiſed, in amending or repairing the ſame, above the ancient and uſual height it hath been heretofore accuſtomed to be raiſed unto; and uphold the banks, ditches, gutters, and cauſeways, which keep in the ſame; and where any cuts or breaches have been made in the ſaid banks

and may enter grounds to amend the ſame, and keep the head wear at uſual height,

uphold the banks, &c.

and ſtop cuts or breaches

or

or ditches to carry off the ſaid water from its ancient courſe, within the ſpace of twenty years next preceding the firſt day of this preſent ſeſſions of Parliament, to any bleaching-yard or mill within that time made or erected, that it ſhall and may be lawful to and for the ſaid lord-mayor, ſheriffs, commons, and citizens, to ſtop ſuch cut or breaches, and to make up and repair the ſaid banks and ditches, to the end the water may not be diverted from its ancient courſe and channel: and in caſe the ſaid lord-mayor, ſheriffs, commons, and citizens, or their ſucceſſors, officers, or workmen, ſhall be interrupted, moleſted, or prohibited, at any time hereafter to dig and trench the ſaid water-courſe, or to repair, ſuſtain, amend, and uphold the banks, ditches, gutters, and cauſeways, which keep in the ſaid water-courſe, or to ſtop up ſuch new cuts or breaches in the ſaid banks or ditches, by any owner, leſſee, or poſſeſſor of ſuch ground, mills, or bleaching-yards, or any perſon whatſoever; every ſuch owner, leſſee, poſſeſſor, or perſon ſo moleſting, reſiſting, or interrupting the ſaid lord-mayor, ſheriffs, commons, and citizens, and their ſucceſſors, contrary to the true meaning of this act, ſhall forfeit for every ſuch offence the ſum of ten pounds; one moiety thereof to be for the uſe of the governors of the Bluecoat hoſpital in Oxmantown near Dublin, to be applied by them to the uſe of the ſaid hoſpital, the other moiety to the uſe and benefit of the informer; to be recovered by action of debt in any of the King's courts, in which no protection, eſſoin, or wager of law ſhall be allowed, or by civil bill before the juſtices of the peace at the general quarter-ſeſſions to be held for the county of Dublin, or the county of the city of Dublin, where ſuch offence ſhall be committed, who are hereby impowered to hear and determine the ſame.

A. D. 1719. Chap. 16.

made to divert the water, in 20 years.

If moleſted herein, penalty 10*l.* to Bluecoat Hoſpital and informer.

II. And whereas the ſaid ancient water-courſe in ſeveral parts of the ſaid courſe runs crooked, and in ſome places through marſhy and ſandy ground, ſo that great quantities of water, which runs through the ſame, in the ſummer ſeaſon ſinks into the earth, and is loſt before it comes to the ſaid city: be it further enacted by the authority aforeſaid, That for the better conveyance of the ſaid water to the ſaid city of Dublin, it ſhall and may be lawful to and for the ſaid lord-mayor, ſheriffs, commons, and citizens of the ſaid city, and their ſucceſſors, officers, and ſervants, for the conſideration herein after expreſſed, to enter into the ſaid ground and poſſeſſions, to alter and change the ſaid courſe by making new cuts, ditches, trenches, or paſſages for the ſaid water, not exceeding four foot and an half in breadth, or by laying pipes for the better conveyance of the ſaid

The courſe crooked, and thro' marſhy ground in ſome parts,

Lord-mayor, &c. may enter and make new paſſages four feet and half in breath, or lay pipes through the grounds adjoining,

A. D. 1719. Chap. 16.

ſaid water in, upon, or through the lands or grounds adjoining or contiguous to the ſaid ancient water-courſe, as they ſhall judge neceſſary (except through houſes, gardens, orchards, and other ornamental improvements belonging to ſuch houſe or houſes) for the better and more effectual conveying the ſaid water to the ſaid city, in the place or ſtead of ſuch ancient water-courſe, or ſuch parts thereof as ſhall appear to them to be defective; ſo as there ſhall be but one water-courſe for conveying of ſuch water to the ſaid city; and after the ſame are ſo dug or made, or pipes laid, to have free ingreſs, egreſs, and regreſs, in and to all ſuch lands, where ſuch new trenches, ditches, or pipes ſhall be made or laid, to view and ſee the ſaid trenches, ditches, or pipes, and them to repair, amend, ſuſtain, and uphold, without interruption or impediment of the owner or owners of the ſaid ground, their leſſees, aſſigns, or any other perſon whatſoever; in conſideration whereof the ſaid lord-mayor, ſheriffs, commons, and citizens of Dublin, and their ſucceſſors, ſhall make ſuch ſatisfaction or compoſition with the owners and occupiers of the ſaid ground, through which the ſaid new trenches or ditches ſhall be made or cut, for ſuch damage as they ſhall reſpectively ſuſtain thereby, or by means or reaſon thereof, as ſhall be to the conſent of the owners and occupiers of the ſaid ground; and, in default of ſuch agreement by mutual aſſent, ſuch ſatisfaction or recompence ſhall be made, as ſhall be limitted, appointed, and adjudged, either by commiſſioners, to be aſſigned for that purpoſe according to the intent of this ſtatute by the lord chancellor, lord keeper, or commiſſioners of the great ſeal of Ireland for the time being, by commiſſion under the great ſeal of this kingdom; or, if ſuch owners or occupiers ſhall require the ſame, by a jury to be impannelled by the ſheriff of the county for that purpoſe.

but not thro' houſes, gardens, &c.

and ſo as but one courſe: and may afterwards enter to view and repair.

Satisfaction to be made to the owners, in default of agreement, by commiſſioners appointed by lord chancellor or a jury.

III. And for the better effecting of the premiſſes, and for the due rating of the value of the things, for which ſuch recompence is to be made, by the true intent of this ſtatute, if the parties ſhall not agree, and ſuch commiſſion be awarded as aforeſaid; be it enacted by the authority aforeſaid, That at the requeſt and charges of the lord-mayor, ſheriffs, commons, and citizens of Dublin, one or more commiſſion or commiſſions under the great ſeal of this kingdom ſhall or may be granted to twelve ſuch perſons, as the lord chancellor, lord keeper, or commiſſioners of the great ſeal of Ireland for the time being, ſhall nominate and appoint, whereof ſix ſhall be of the county of Dublin, and ſix of the county of the city of Dublin, and every of them having lands and tenements of the clear yearly value of one hundred pounds at the leaſt; which twelve, or any nine or more

Six of the county and ſix of the county of the city of Dublin to be commiſſioners

having 100*l.* *per annum* in lands each.

more of them, ſhall have power to order and ſet down what rate or rates, ſum or ſums of money, ſhall be paid by the lord-mayor, ſheriffs, commons, and citizens of Dublin, and their ſucceſſors, to the owners and occupiers of the ſaid grounds and ſoil reſpectively, for which ſatisfaction is to be made by the intent of this act, if the parties of themſelves cannot agree. A. D. 1719. Chap. 16.

Commiſſioners may examine on oath.

IV. And for the better regulating and ſettling the ſaid rate or rates, be it further enacted by the authority aforeſaid, That the commiſſioners from time to time to be appointed in purſuance of this act, or any nine or more of them, ſhall and are hereby authorized by examination of witneſſes upon oath, which oath they or any nine or more of them are hereby impowered to adminiſter, or by any other lawful ways or means, from time to time to aſſert and determine the ſame.

Six days notice to be given.

V. Provided always, That before ſuch examination or inquiry ſhall be made, due notice ſhall be given unto the owner or owners, or occupiers of ſuch grounds or ſoil, or left for him or them in writing at his or their uſual place of abode, and alſo to the lord-mayor of the city of Dublin for the time being, by the ſpace of ſix days at the leaſt, of the time and place when and where ſuch commiſſioners or jury intend to meet to aſcertain and ſettle ſuch ſatisfaction; ſo as ſuch place, to be by them appointed, be within the county of the city of Dublin, or county of Dublin.

Agreement or payment to be made before the digging.

VI. And be it enacted by the authority aforeſaid, That until or before a full agreement with the owners and occupiers of the premiſſes be had, or payment ſhall be made to the owners or occupiers of the ſoil reſpectively, through which ſuch new cuts ſhall be made, according to the valuation of the damage, which they ſhall reſpectively ſuſtain, as the ſame ſhall be found and returned by ſuch jury, or by ſuch commiſſioners as aforeſaid, it ſhall not be lawful to and for the ſaid lord-mayor, ſheriffs, commons, and citizens, to put the ſaid digging or making a new trench in execution; any thing in this act to the contrary notwithſtanding.

To prevent corrupting the water,

VII. And whereas by erecting of tucking-mills on the ſaid water-courſe, in which ſeveral unwholſome materials are made uſe of, and dyers and ſkinners waſhing their dyed cloaths and ſkins in the ſaid water-courſe, and others building houſes of eaſe thereon, the water is greatly corrupted: for remedy whereof be it enacted by the authority aforeſaid, That from and after the firſt day of March one thouſand ſeven hundred and nineteen no tucking-mill ſhall be permitted or ſuffered to be or continue on the ſaid water-courſe, or any part thereof, from the town of Temple-

no tucking-mill allowed from Temple-Oge to Dublin.

A. D. 1719. Chap. 16.

Temple-Oge in the county of Dublin to the city of Dublin; and in caſe any perſon or perſons, the proprietors, occupiers, or poſſeſſors of ſuch mill or mills, ſhall continue ſuch tucking-mill or mills on the ſaid water-courſe after the ſaid firſt day of March one thouſand ſeven hundred and nineteen, ſuch perſon or perſons ſhall forfeit the ſum of twenty pounds *ſterling*, for every month ſuch tucking-mill ſhall continue after the ſaid day; to be recovered by action of debt in any of his Majeſty's courts of record, one moiety to the uſe of the Bluecoat hoſpital in Oxmantown near Dublin, and the other moiety to the uſe of the informer; in which no protection, eſſoign, or wager of law, ſhall be allowed.

Penalty 20*l.* *per* month,

to ſaid hoſpital and informer.

VIII. Provided nevertheleſs, That ſuch ſatisfaction ſhall be firſt made to the owners or proprietors of all and every ſuch tucking-mill already erected, which ſhall be taken down or deſtroyed in purſuance of this act, as ſhall be awarded by a jury to be impannelled by the ſheriff of the county as aforeſaid, or by a commiſſion under the great ſeal of this kingdom, to be awarded in manner aforeſaid; and in caſe any dyer of woollen or linnen cloth or yarn, or ſkinner, or any other perſon or perſons whatſoever, ſhall at any time after the firſt day of December one thouſand ſeven hundred and nineteen waſh, cleanſe, dip, ſcower, or beat within the ſaid water-courſe, any linnen or woollen-cloth, yarn, flax, tape, ſkins, wooll, wooll-packs, or garbage, every perſon or perſons ſo offending ſhall forfeit the cloth, yarn, flax, tape, or ſkins, wooll, or wooll-packs ſo waſhed, cleanſed, dipped, ſcowred, or beat in ſuch water-courſe, and alſo the ſum of forty ſhilling; to be recovered before any of his Majeſty's juſtices of the peace for the county, where ſuch offence ſhall be committed, upon the oath of one or more witneſs or witneſſes, and upon conviction to be levied on the goods and chattles of the offender or offenders by warrant under the hand and ſeal of ſuch juſtice or juſtices of the peace, who is and are hereby required to grant ſuch warrant or warrants, and to be applied to the ſole uſe and benefit of the informer; and, in caſe of the inability to pay the ſame, the offender or offenders to be ſent to the houſe of correction for any time not exceeding forty eight hours, there to be whipt and kept to hard labour.

Satisfaction as aforeſaid firſt made for mills already erected.

No dyer, ſkinner, *&c.* ſhall dip therein cloth, yarn, ſkins, wool, *&c.*

Penalty, forfeiture, and 40 *s.* to informer;

in default, the houſe of correction.

IX. And for removing all houſes of eaſe, that are built or erected upon the ſaid water-courſe within one mile of the city of Dublin; be it further enacted by the authority aforeſaid, That no houſe or houſes of eaſe be permitted or ſuffered to be or continue on ſuch water-courſe, or any part thereof, within one mile of the ſaid city of Dublin, from and after the firſt day of December one thouſand ſeven hundred and nineteen; and in caſe

No houſe of eaſe permitted thereon within a mile of Dublin.

any perſon or perſons ſhall continue ſuch houſe or houſes of eaſe upon ſuch water-courſe as aforeſaid, or ſhall after ſuch firſt day of December build any new one upon ſuch water-courſe within one mile of the ſaid city, every perſon or perſons ſo offending ſhall forfeit for every month, ſuch houſe or houſes of eaſe ſhall be or continue, the ſum of five pounds; to be recovered before any of his Majeſty's juſtices of the peace for the county, where ſuch offence ſhall be committed, upon the oath of one or more witneſs or witneſſes, and upon conviction to be levied on the goods and chattles of the offender or offenders by warrant under the hand and ſeal of ſuch juſtice or juſtices of the peace, who is and are hereby required to grant the ſame, and to be applied to the uſe of the informer.

A. D. 1719. Chap. 16.

Penalty, 5*l.* *per* month, to informer.

X. And whereas ſeveral mills are now building, and others, unleſs prevented, will from time to time be built and erected thereon, whereby the courſe of the water will be ſo diverted and ſtopped, that there will not be ſufficient water for the uſe of the inhabitants: for remedy whereof, be it enacted by the authority aforeſaid, That no mill of any ſort or kind whatſoever ſhall at any time hereafter be built or erected upon the ſaid water-courſe by any perſon or perſons whatſoever; and that no mill or mills, built or erected ſince the firſt day of May one thouſand ſeven hundred and nineteen, or now building, nor any mill or mills, or any edifice now erecting and intended for a mill, upon the ſaid water-courſe, or any part thereof, ſhall be applied or made uſe of at any time hereafter for a mill; and in caſe any perſon or perſons ſhall offend in any of the ſaid particulars, ſuch perſon or perſons ſhall forfeit the ſum of two hundred pounds; and if ſuch perſon or perſons ſhall afterwards make uſe of ſuch mill or edifice now building for a mill, or hereafter to be built, ſuch perſon or perſons ſo making uſe of the ſaid mill ſhall for every month, he or they ſhall uſe the ſame, forfeit the ſum of twenty pounds *ſterling*; all and ſingular the ſaid penalties to be recovered by action of debt, one moiety to the uſe of the informer, the other moiety to the uſe of the governors of the Bluecoat Hoſpital in Oxmantown near the city of Dublin as aforeſaid.

No kind of mill ſhall be hereafter built thereon, nor thoſe now building, *&c.* uſed for mills,

Penalty, 200 *l.* and for uſing afterwards for mills, 20*l.* *per* month,

to ſaid hoſpital and informer.

XI. And whereas ſeveral mills have within this two or three years been erected on the ſaid water-courſe, to which very great dams or ponds are made, and, by daming or ſtopping the water ſeveral hours in the ſummer ſeaſon for the convenience of ſuch mills, an intire ſtop is frequently put to the currency of the water: be it therefore enacted by the authority aforeſaid, That from and after the twenty fifth day of March one thouſand ſeven hundred

No miller, *&c.* ſhall ſtop ſaid water-courſe in May, June, July, or Auguſt:

A. D. 1719. Chap. 16.

dred and twenty, no owner or proprietor of any mill on the ſaid water-courſe, or miller, or any other perſon or perſons whatſoever, ſhall in any of the months of May, June, July or Auguſt, dam-up or ſtop the ſaid water-courſe, but that the ſaid water-courſe during the ſaid months in each and every year ſhall run free without being obſtructed by any flood-gates or dams whatſoever; and in caſe any perſon or perſons ſhall dam or ſtop the currency of the ſaid water during the ſaid months, or any of them, or any part of the ſaid time, every perſon or perſons ſo offending ſhall forfeit the ſum of ten pounds for every ſuch offence, to be recovered by civil bill, one moiety to the informer, and the other moiety to the uſe of the governors of the Bluecoat Hoſpital for the uſe of the ſaid hoſpital.

Penalty 10*l.* as aforeſaid.

breaking the banks, or diverting the water,

XII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall from and after the firſt day of November one thouſand ſeven hundred and nineteen break, throw down, or deſtroy the banks, ditches, gutters, cauſeways or fences of the ſaid water-courſe, or any of them, or, by making gaps, cuts, or holes in the ſaid banks or ditches, draw off or let out the water from the ſaid water-courſe, or from any new trenches, that ſhall be hereafter made in purſuance of this act, or ſhall make any new trenches from the ſaid courſe to carry off and divert the water; that then and in ſuch caſe every perſon or perſons offending in any of the ſaid particulars ſhall for every ſuch offence forfeit the ſum of five pounds; to be recovered by civil bill at the quarter ſeſſions for the county of Dublin, or county of the city of Dublin, where ſuch offence ſhall be committed, who are hereby required to hear and determine the ſame; one moiety to the uſe of the informer, the other moiety to the uſe of the governors of the Bluecoat Hoſpital in Oxman-town near Dublin, for the uſe of the ſaid hoſpital.

Penalty 5*l.* as aforeſaid.

XIII. And whereas Sir Thomas Domvile and the proprietors of Temple-Oge, under whom he derives, have claimed a duty of corn by the name of Port-corn, out of the ſeveral mills, which are turned and ſupplied with the ſaid ſtream or water-courſe; but the ſame hath for ſome time paſt been detained from him, by reaſon the ſaid Sir Thomas hath no way to recover the ſaid duty by diſtreſs, nor can ſtop the ſaid water running to the ſaid mills, by reaſon it ſupplies the ſaid city: for remedy whereof, and the better to enable the ſaid Sir Thomas Domvile, his heirs and aſſigns, to recover the ſaid duty, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Sir Thomas Domvile, his heirs and aſſigns, and every of them,

Sir Thomas Domvile, &c.

them, into each and every the ſaid mill and mills, liable to the payment of the ſaid duty, to enter and diſtrain, and the diſtreſs or diſtreſſes then and there found to take, detain, and keep, and thereof to diſpoſe according to law, until he or they ſhall be ſatisfied and paid the ſaid duty, or to proceed againſt the owner, proprietor, or occupier of ſuch mill or mills for the recovery of ſuch duty or duties by petition, in nature of a civil bill, at the quarter ſeſſions to be held for the county of Dublin, or county of the city of Dublin; which the juſtices of the ſaid ſeſſions are hereby impowered to hear, and finally to determine, without appeal or pleading to the juriſdiction of the ſaid court.

A. D. 1719. Chap. 16.

may diſtrain for duty of Port-corn, or proceed by civil bill.

XIV. And whereas a tucking-mill has been lately erected on the ſaid water-courſe by Adam Jackſon, which after the firſt day of March one thouſand ſeven hundred and twenty is no longer to continue a tucking-mill: be it further enacted by the authority aforeſaid, That in conſideration of the low circumſtances of the ſaid Adam Jackſon, and of his numerous family, and the great charge of changing the ſaid tucking-mill into a corn-mill, that the ſaid lord-mayor, ſheriffs, commons, and citizens, ſhall pay unto the ſaid Adam Jackſon, his executors, adminiſtrators, or aſſigns, on or before the firſt day of January one thouſand ſeven hundred and nineteen the ſum of one hundred pounds *ſterling*; and, in caſe of nonpayment thereof, that the ſaid Adam Jackſon ſhall and may recover the ſame againſt the ſaid lord-mayor, ſheriffs, commons, and citizens, by action of debt in any of his Majeſty's courts of record.

Adam Jackſon's tucking-mill changed into a corn mill, lord-mayor, *&c.* paying him 100 *l.*

XV. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be brought or proceeded upon againſt any perſon or perſons for any matter or thing done, committed, or executed by virtue of this act, or any clauſe therein; that in ſuch caſe the defendant or defendants may plead the general iſſue, and give this act and the ſpecial matter therein in evidence; and if a verdict ſhall paſs for the defendant, or the plaintiff be nonſuited, or diſcontinue his action, after the defendant hath appeared, the defendant ſhall recover double coſts.

Defendants may plead general iſſue, *&c.* and recover double coſts.

CHAP.

CHAP. XVII.

An Act for the relief of inſolvent debtors.

FORASMUCH as very many perſons, now detained in priſon, are reduced to very great poverty through many misfortunes, that have attended them, whereby they are totally diſabled from giving any ſatisfaction to their creditors, and by being detained in priſon are rendred uſeleſs, and a burthen to the kingdom: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all perſons, who were in priſon, and actually confined within the walls of ſuch priſon by legal commitments or proceſs, without fraud or colluſion with their creditors or others, upon the firſt day of Auguſt one thouſand ſeven hundred and eighteen, and who have ever ſince the time of ſuch commitment continued within the walls of ſuch priſon, unleſs removed by *habeas corpus*, upon any action or actions, or upon meſne proceſs for debt, or other actions whatſoever, which may become judgments, or who have judgment or judgments entered upon record againſt them, or are charged in execution, or impriſoned upon attachments for debt or other action or actions, or upon outlawry or outlawries before or after judgment for debt, caſe, or treſpaſs, or upon any other proceſs whatſoever, iſſued out of any court of law or equity, for debt, damages, or coſts, who ſhall take the oath hereafter mentioned, ſhall and may be releaſed and diſcharged from their impriſonment, and the debts owing by them, in ſuch manner as hereafter is provided.

II. Be it enacted by the authority aforeſaid, That it ſhall be lawful for any juſtice of the peace of any county, city, town, or liberty, within this kingdom, by warrant under his hand and ſeal to require the ſheriffs, goaler or goalers, or keeper of any priſon, within his or their reſpective juriſdictions, to bring before the juſtices of the peace at the next quarter-ſeſſions for the reſpective county, city, town, or liberty, the body of any perſon, being in priſon for debt, or upon any other action or proceſs as aforeſaid, on the day aforeſaid, and who ſhall petition ſuch juſtice of the peace to be diſcharged; which warrant every ſuch ſheriff, goaler, or keeper, is hereby commanded to obey under the pain and forfeiture of twenty pounds *ſterl.* for every ſuch delay, neglect, or refuſal, to be paid to the priſoner obtaining ſuch warrant; and to be recovered of any ſuch ſheriff, goaler, or keeper of any priſon, by action of debt, bill, plaint, or information, wherein no eſſoign, protection, or wager of law, or more than one imparlance ſhall be allowed; and ſuch priſoner, coming before ſuch juſtice of the peace at the ſaid ſeſſions, ſhall in open court take and ſign an oath to the effect following:

I A. B. *do upon my corporal oath in the preſence of Almighty God ſolemnly ſwear, profeſs, and declare, that I am not worth in land, money, ſtock, or any other eſtate real or perſonal, in poſſeſſion, reverſion, or remainder, to the value of five pounds* ſterl. *in the whole, over and above the effects contained in a ſchedule now delivered in by me, or ſufficient to pay the debt or damage, for which I am impriſoned; and that I have not directly or indirectly ſold, leaſed, or otherwiſe conveyed, diſpoſed of, or intruſted all or any part of my land, money, goods, ſtock, or eſtate, whereby to ſecure the ſame, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors, to whom I am indebted: and that there is not to my knowledge or belief any lands, tenements, or hereditaments, goods, chattles, debt, or other intereſt whatſoever, aſſigned or conveyed to any perſon or perſons in truſt for me, or my wife, or any child, or any other perſon, which is any way ſubject to my order, or under my power, or by which I am any*

way

way intituled to any benefit or advantage, other than what is contained in the ſaid ſchedule now delivered in by me; that I was actually a priſoner within the priſon of at the ſuit of and have ſo continued until this day. So help me God.

III. And be it further enacted by the authority aforeſaid, That the juſtice of peace, who ſhall grant ſuch warrant for bringing ſuch priſoner before the juſtices of the peace at their next ſeſſions, ſhall without fee or reward give a writing, importing notice to the creditor or creditors under his hand and ſeal, that he has granted ſuch warrant, and that the priſoner has petitioned him to be diſcharged; and the ſaid ſummons or notice ſhall be left with or ſerved upon ſuch perſon or perſons, his or their executors, adminiſtrators, attorneys, or agents, lawfully authorized, to be left at the dwelling-houſe or uſual place of aboad of the perſon or perſons, to whom the priſoner ſhall ſtand indebted, at leaſt twenty days before ſuch quarter-ſeſſions, thereby appointing as well the ſaid perſons, as the ſaid priſoner, to appear before the juſtices at the next general ſeſſions of the peace to be held for the ſame county, city, town, or liberty; and when it ſhall appear upon oath before the ſaid juſtices, that the ſaid ſummons was ſo ſerved or left twenty days or more before the ſaid ſeſſions, and that the ſaid oath, taken by the ſaid priſoner, be not diſproved by good teſtimony of any credible perſon upon oath, to be adminiſtered by the ſaid juſtices of the peace, then ſuch juſtices of the peace in their ſaid ſeſſions, being ſatisfied therewith, ſhall thereupon without fee or reward by their warrant command the ſheriff, goaler, or keeper, of any priſon to ſet at liberty the priſoner, paying to the marſhal or keeper of ſuch priſons, where he is confined, ſuch fees and ſuch ſum for lodging or chamber-rent, as by law he is intitled unto; which warrant ſhall be a diſcharge to the ſheriff, goaler, or keeper of any priſon, and indempnify them againſt any eſcapes.

IV. And be it further enacted by the authority aforeſaid, That if any creditor ſhall inſiſt to have his debtor detained in priſon after ſwearing, or taking the oath aforeſaid, for the ſpace of thirty days after ſuch quarter ſeſſions, that then ſuch creditor, ſo inſiſting to detain the priſoner, ſhall actually pay the priſoner ſix pence *per diem*; and, in caſe of neglect of payment, the priſoner to be diſcharged; and if within the ſaid thirty days no eſtate of the priſoner beyond the value of five pounds, over and above the ſchedule delivered in as aforeſaid, can be found, diſcovered, or made out before two juſtices of the peace, then the priſoner to be forthwith diſcharged without fee or reward, other then as aforeſaid, by warrant under the hands and ſeals of any two juſtices of ſuch county, city, town, or liberty, and the ſame to be as effectual as if diſcharged in open ſeſſions.

V. And be it further enacted, That no priſoner, that ſhall be diſcharged by this act, ſhall at any time hereafter be impriſoned for any debt or damages, for which he, ſhe, or they were committed to priſon on or before the firſt day of Auguſt one thouſand ſeven hundred and eighteen; and, that upon any arreſt for ſuch debt or damages, it ſhall and may be lawful to and for him, her, or them, ſhewing a duplicate of his, her, or their diſcharge, which he, ſhe, or they are to have without fee, to retain an attorney to appear for him, her, or them, and file common bail only, and no more to be required to every action, and plead thereunto that he, ſhe, or they, were diſcharged by vertue of this act, without ſetting forth any of the matter required to be performed by this act, it being to be left to the plaintiff to ſhew any failure therein by his replication, if he ſhall think fit, ſo that the plaintiff, if he pleaſes, may recover and enter up judgment againſt ſuch priſoner, to be executed and levied upon the lands, tenements, goods, and chattles of ſuch priſoner, his or her wearing apparel, and neceſſary furniture for his or her dwelling houſe, and the furniture or neceſſary tools for his or her occupation, not exceeding in the whole five pounds, and ſuch goods as he or ſhe hath had or ſhall have upon freſh credit, after ſuch his or her diſcharge, only excepted, but not upon his, her, or their perſon, which ſhall for ever hereafter be freed and diſcharged from impriſonment

A. D. 1719. Chap. 17.

for any ſuch debt or damages, for which they were confined the ſaid firſt day of Auguſt one thouſand ſeven hundred and eighteen; nor ſhall any ſuch priſoner, that ſhall be diſcharged by this act, be impriſoned during the term of three years next after the time of ſuch diſcharge, for any debt or damages, ſum or ſums of money, contracted, owing, or growing due to any perſon or perſons whatſoever before the ſaid firſt day of Auguſt one thouſand ſeven hundred and eighteen, but upon any arreſt for ſuch debt or damages ſuch priſoner ſhall and may, during the ſaid term of three years, and no longer, file common bail, and plead and proceed in the ſame manner and form, and have the ſame benefit, liberty, and advantage, as is before ordered, directed, and appointed, in caſe of an arreſt for the debt or damages, for which ſuch priſoner was committed.

VI. And be it further enacted by the authority aforeſaid, That if any ſheriff, goaler, or keeper of any priſon, ſhall refuſe or delay to bring the priſoner to the quarter ſeſſions in order to his diſcharge, or detain the priſoner, after he ſhall be diſcharged, his fees, lodging, or chamber-rent, being paid as aforeſaid, every ſuch ſheriff, goaler, or keeper of any priſon, ſhall forfeit and pay the priſoner twenty pounds; to be recovered by civil bill before the judge or judges of aſſize, or before ſuch judge or Kings council as ſhall hold ſeſſions in the county of Dublin, or by bill, plaint, or information, in any of his Majeſty's courts, where no eſſoin, protection, or wager of law ſhall be allowed; and alſo ſhall be liable to ſuch fine, not exceeding ten pounds, as the juſtices of the peace ſhall in their diſcretion think fit to impoſe.

VII. And be it further enacted by the authority aforeſaid, That upon any action of eſcape, or other ſuit, to be brought againſt any juſtice of the peace, ſheriff, goaler or keeper of any priſon, for doing their office in purſuance of this act, they may plead the general iſſue, and give this act in evidence; and if the plaintiff be nonſuited, or verdict paſs againſt him, the defendant ſhall have treble coſts.

VIII. Provided, That the diſcharge of any perſon ſhall not acquit any other, jointly or ſeverally bound for the ſaid debt or debts, or any part thereof, either as principal or ſecurity; but that every ſuch perſon or perſons ſhall be anſwerable for the ſaid debt or debts, and damages, in ſuch manner as they were before.

IX. Provided alſo, That no perſon by virtue of this act ſhall be diſcharged out of priſon, who ſhall be charged in execution, and ſhall really owe more than the ſum of fifty pounds principal money to any one perſon, or ſhall be in execution at the ſuit of any other perſon or perſons for more in the whole than one hundred and fifty pounds; ſuch debt to be aſcertained by the court or courts, out of which ſuch execution did iſſue, or by any decree in Chancery.

X. Be it further enacted by the authority aforeſaid, That if any priſoner ſhall at any time afterwards be found or ſuſpected by any creditor to have in ready money, goods, or chattles, in his or her own hands and poſſeſſion, or in the hands and poſſeſſion of any others to his or her uſe, in value over and above what is allowed by this act, other than ſuch goods as are in his or her ſhop or work-houſe, as he or ſhe ſhall have been intruſted with ſince the time of his or her diſcharge, and for which he or ſhe ſhall be really indebted, and he or ſhe will not or do not upon any reaſonable demand pay his or her debts therewith, as far as the ſame will reach; that then in ſuch caſe at the requeſt of any creditor an oath ſhall be tendred by any juſtice of the peace, or by any judge of the court, where there is judgment againſt him or her, for diſcovery thereof; and he or ſhe refuſing to take the ſaid oath, or if it ſhall thereby appear he or ſhe have a greater eſtate, than is allowed by this act to be diſcharged, or any lands, tenements, or hereditaments, goods, chattles, or other intereſt whatſoever, aſſigned or conveyed to any perſon or perſons in truſt for him, or his wife, or any child, or any other perſon, which is any way ſubject to his or her order, or under his or her power, or by which he or ſhe is any way intitled to any benefit or advantage, other than what is contained in the ſchedule delivered in by him or her as aforeſaid, he or ſhe ſhall be remanded to

priſon in execution for ſuch debt; any thing in this act to the contrary notwithſtanding.

XI. And be it further enacted by the authority aforeſaid, That this act ſhall not extend to diſcharge any perſon in execution for any fine, on him or her impoſed for any offence committed or done againſt the King's Majeſty.

XII. Provided, That every priſoner on meſne proceſs, if it ſhall be deſired by any creditor before the juſtice of the peace, to whom the priſoner has applyed for his diſcharge, ſhall forthwith give a warrant to ſome attorney to appear and file common bail, and receive a declaration, and ſuch priſoner ſhall thereupon have the full benefit of this act, as to the liberty of his or her perſon upon the ſaid meſne proceſs, and againſt any judgment or execution, that ſhall be had againſt him or her in ſuch ſuit, that ſhall be brought againſt him or her, to all intents as fully as if he or ſhe had been charged in execution the ſaid firſt day of Auguſt one thouſand ſeven hundred and eighteen; but ſuch perſons, being in priſon upon ſuch meſne proceſs, ſhall, in ſuch caſe of refuſal to give ſuch warrant of attorney, loſe the benefit of this act.

XIII. And be it further enacted by the authority aforeſaid, That every priſoner, before he or ſhe is diſcharged, ſhall ſwear what effects are belonging to him or her, or in truſt for him or her, or over which he or ſhe hath any power, or out of which he or ſhe is intitled to any benefit or advantage, and what debts are owing to him or her, and by whom, or for what cauſe, and upon what ſecurity, and ſhall make a ſchedule thereof in preſence of the juſtices, and ſubſcribed by the priſoner; which ſhall be returned by the juſtices to the next ſeſſions, there to remain for the better information of the creditors of ſuch priſoner; and ſhall alſo be obliged before his diſcharge to aſſign ſuch debts or ſecurities to the clerk of the peace of ſuch county, where he or ſhe ſhall be diſcharged, in truſt for his creditors; who, or ſuch of them as will join, may thereupon ſue for ſuch debts, or ſo much thereof as will reaſonably ſatisfy them, in the name of the priſoner; and, after the ſame ſhall be recovered and received, ſhall render the overplus thereof to the priſoner, their own debts and charges firſt deducted.

XIV. And be it further enacted by the authority aforeſaid, That if any perſon, who ſhall be diſcharged by this act, ſhall wilfully perjure him or herſelf in taking the above mentioned oath, and ſhall be thereof lawfully convicted, he or ſhe ſo offending ſhall incur all the pains, forfeitures, and penalties, in caſes of wilful perjury; and over and above the ſaid penalties, which may by the laws now in being be inflicted, be committed to the houſe of correction, there to remain for twelve months without bail or mainprize, and there to be kept to hard labour during the time of ſuch impriſonment.

XV. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to diſcharge any priſoner by virtue of this act, but in the quarter-ſeſſions to be held for the county, where ſuch priſoner was actually in goal upon the firſt day of this preſent ſeſſions of Parliament, unleſs the plaintiff or plaintiffs, at whoſe ſuit or ſuits ſuch priſoner was in cuſtody, hath by *habeas corpus* removed or ſhall ſo remove ſuch priſoner to the Four court marſhalſea.

XVI. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to give any benefit, eaſe, diſcharge, or releaſe, to Joſeph Fitzſimons late of Trim in the county of Meath, now in the cuſtody of the marſhal of the Four courts Dublin, or to Richard Cockaine, now in goal of the county of the city of Warterford.

CHAP.

A. D. 1719.

CHAP. XVIII.

An Act for erecting and continuing lights in the city of Dublin, and the ſeveral liberties adjoining; and alſo in the cities of Cork and Limerick, and liberties thereof.

Amended. 8 G. 1. 16.
Expired, ſave only ſo far as to intitle repreſentatives of Aldrich and Cummin to recover arrears of taxes. 33 G. 2. 18.
The act 4 G. 1. 9. for erecting lights in Dublin near expiring.
Power to William Aldrich and Hugh Cummin for 21 years to erect and maintain publick lights in Dublin, *continued 21 years, &c. 11 G. 2. 19. except as thereby altered.*
Power to the lords of the liberties, *by 15 G. 2. 11. revived as to the liberties, and as to Cork, Limerick, and liberties, for 21 years from 1 May 1742. and by 1 G. 3. 17. continued 21 years &c. from 1 May 1763. as to the liberties of St. Sepulchre's, Thomas-court, and Donore.*
in Cork, Limerick. 3 G. 2. 13. *extended to Waterford and Galway.*
Manner of ſetting up lights.

WHEREAS it hath been found by experience, that all cities, well furniſhed with publick lights in the dark nights, are much freer from murders, robberies, theft, and other inſolencies, than ſuch cities as are not ſo furniſhed, and for want of them many accidents in the night-time have happened to the ruin of ſeveral inhabitants reſiding in ſuch cities: and whereas the former act, for erecting and continuing lights in the city of Dublin and the feveral liberties adjoining, is near expiring: and whereas William Aldrich and Hugh Cummin of the city of Dublin merchants, have at their own expence procured lamps of a larger and better ſize than the former ones, and have propoſed to light them with oil of the manufacture of this kingdom, and during a longer time in each year and night than formerly, without encreaſing the expence to the publick: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid William Aldrich and Hugh Cummin, their executors and adminiſtrators, ſhall have full power and authority from time to time, during the ſpace of twenty one years, to cauſe publick lights to be erected and maintained in the city of Dublin; and in like manner William lord archbiſhop of Dublin, and his ſucceſſors, ſhall have full power and authority from time to time, during the term aforeſaid, to cauſe publick lights to be erected in the liberty of Saint Sepulchre's near the city of Dublin; and in like manner Chaworth earl of Meath, and the lords of the liberties of Thomas-court and Donore for the time being, ſhall from time to time, during the term aforeſaid, have full power and authority to cauſe publick lights to be erected in the ſaid liberties of Thomas-court and Donore: and in like manner William Maynard eſquire, Samuel Wilſon, and Jeremiah Forſter merchants, their executors and adminiſtrators, ſhall have full power and authority from time to time, during the ſpace of twenty one years, to cauſe publick lights to be erected and maintained in the city of Cork and liberties thereof: and in like manner George Roch, Robert Taylor, John Bury, and Henry Roſe eſquires, their executors and adminiſtrators, ſhall have full power and authority from time to time, during the ſpace of twenty one years, to cauſe publick lights to be erected and maintained in the city of Limerick and liberties thereof, according to the manner hereafter mentioned.

Dimenſions of the lanthorns, their diſtance, and ſituation,

II. And be it further enacted by the authority aforeſaid, That for all the ſaid places, both in the ſaid cities and ſeveral liberties, lights ſhall be ſet up in the manner following: (that is to ſay) each lanthorn ſhall contain in tin-work from the top of the glaſs to the top of the lanthorn fourteen inches and a half, with four glaſſes; each glaſs containing thirteen inches by nine and a half, and four and a half in breadth; the whole glaſs making three foot and a quarter; to be ſet up nine foot high, or thereabouts, projecting two foot and a half into the ſtreet, upon irons erected for that purpoſe; and to be ſet, ſo as that no lamp ſhall be at a greater diſtance than two and twenty yards from the next lamp, in all the ſtreets, conſiderable lanes, courts, and other broad places; and that the lamps in all ſuch places be ſet tranſverſely on both ſides of all ſuch ſtreets, conſiderable lanes, and other broad places; and that in narrow by-lanes, courts, and alleys, no lamp ſhall be at a greater diſtance than three and thirty yards from the next lamp, and that the lamps ſhall be placed tranſeverſely in all ſuch places; and that three lamps be fixed on the

A. D. 1719. Chap. 18

the Old-bridge, three lamps on Ormond's-bridge, four lamps on Eſſex-bridge, two lamps on Ellis-bridge, and two lamps on bloody-bridge, in the city of Dublin; and that dead walls, where houſes are built on the other ſide, be alſo enlightened in manner aforeſaid; and that the ſaid lanthorns ſo erected be ſo ſufficiently maintained with good ſufficient lights, that they ſhall continue burning in every dark night yearly, from the firſt of September to continue to the fifteenth of April; that the lamps ſhall be actually light up at half an hour after ſunſet every night in the two dark quarters of the moon, and remain ſo till two in the morning, and in the two light quarters of each moon to be light at all times the moon ſhall be down.

on bridges, *altered* 3 G. 2. 22.

On dead walls oppoſite to houſes.

Time of burning. *altered* 8 G 1. 16. 33 G. 2. 18.

III. And be it further enacted by the authority aforeſaid, That the ſaid William Aldrich and Hugh Cummin, their executors and adminiſtrators within the city of Dublin, and the perſons authorized by the ſaid archbiſhop of Dublin and his ſucceſſors within the ſaid liberty of Saint Sepulchre's, and by Chaworth earl of Meath and his heirs, who ſhall be lords of the ſaid liberties of Thomas-court and Donore, and the ſaid William Maynard, Samuel Wilſon, and Jeremiah Forſter, their executors and adminiſtrators, within the city of Cork and liberties thereof, and the ſaid George Roch, Robert Taylor, John Bury, and Henry Roſe, their executors and adminiſtrators, within the city of Limerick and liberties thereof, ſhall have reſpectively for the ſpace of twenty one years, to be computed from the firſt of September one thouſand ſeven hundred and twenty, notwithſtanding any former law or act of Parliament, full power and lawful authority from time to time, and at all times hereafter, during the term aforeſaid, to cauſe ſuch publick lights ſo to be erected as aforeſaid, and to be fixed to any houſe or houſes, or part or parts thereof; and, where there are unbuilt ſpaces between houſes, to be ſet upon poſts, or otherwiſe, within the ſaid reſpective cities and juriſdictions, as to them reſpectively, their reſpective deputies or aſſigns, ſhall ſeem moſt convenient to anſwer the ends deſigned by this act, and to ſupport and maintain ſuch lights there, or alter, remove, or change the ſame, ſo as thereby no damage be done to any ſuch houſe or houſes, or part or parts thereof, or to the pavements, other than what ſhall be repaired and made good immediately by the perſon or perſons ſo doing the ſame.

Said perſons for ſaid term may fix lights to any houſe, or part thereof;

and on poſts, where unbuilt ſpaces,

and remove or change them, repairing damage.

IV. And be it further enacted by the authority aforeſaid, That for paying and bearing all the charges and expences of the ſaid ſeveral lanthorns or publick lights ſo to be erected and maintained, there ſhall be allowed, during the continuance of this act, as is herein mentioned: (that is to ſay) the reſpective inhabitants of all the ſtreets, conſiderable lanes, and other broad places as aforeſaid, where the fartheſt diſtance between lamp and lamp ſhall not exceed twenty two yards, ſhall each of them for each reſpective houſe, ſo enlightened as aforeſaid, pay the ſum of three ſhillings yearly, at two equal payments at Chriſtmas and Lady-day, for all ſuch time as the ſaid houſes ſhall be inhabited; and that the narrow lanes and alleys, and courts, where the fartheſt diſtance between lamp and lamp ſhall not exceed thirty three yards, the inhabitants of every houſe in ſuch places pay only the ſum of two ſhillings yearly for each houſe, while inhabited and lightened with the publick lamps or lights aforeſaid, at two equal payments at the times aforeſaid, being Chriſtmas and Lady-day; and that in every lane, and alley, and court, though not of the length of thirty three yards, there ſhall be erected one ſuch light or lamp at leaſt.

While houſes inhabited 3 s. yearly to be paid for each, where the lamps 22 yards diſtant: 2s. where 33. *Altered* 8 G. 1. 16. 11 G. 2. 19.

1 light in every lane, *&c.* tho' not 33 yards long.

V. And be it further enacted by the authority aforeſaid, That the ſaid William Aldrich and Hugh Cummin, William Maynard, Samuel Wilſon, Jeremiah Forſter, George Roch, Robert Taylor, John Bury, and Henry Roſe, their executors, adminiſtrators and aſſigns, and their deputies reſpectively within the ſaid cities, and the perſons authorized by the ſaid William lord archbiſhop of Dublin and his ſucceſſors, and by the ſaid Chaworth earl of Meath and his heirs, within their ſaid liberties, and no other, during the ſaid time of twenty one years as aforeſaid, ſhall have power and liberty to erect and fix or ſet up ſuch lanthorns or lamps as aforeſaid in the ſaid cities and ſeveral liberties, and to maintain lights in the ſame; and

No others to ſet up lights there.

A. D. 1719. Chap. 18.

that the ſaid William Aldrich, Hugh Cummin, William Maynard, Samuel Wilſon, Jeremiah Forſter, George Roch, Robert Taylor, John Bury, and Henry Roſe, their executors, adminiſtrators, and aſſigns reſpectively in the ſaid cities, and the perſons ſo to be authorized by the ſaid William lord archbiſhop of Dublin and his ſucceſſors, and Chaworth earl of Meath and his heirs, within the ſaid liberties reſpectively, ſhall by themſelves or their ſervants have full power and lawful authority by vertue of this act reſpectively to collect, diſtrain, and receive, to his or their own uſe, during the continuance of the ſaid term of twenty one years, all ſuch ſum or ſums of money whatſoever, as are or ſhall be by vertue of this act according to the rates aforeſaid aſſeſſed, or ſhall be payable for erecting and maintaing ſuch lights; and in caſe of non-payment by the ſpace of twenty one days after demand made, it ſhall and may be lawful to and for the ſaid William Aldrich and Hugh Cummin, in the ſaid city of Dublin and liberties thereof, William Maynard, Samuel Wilſon, and Jeremiah Forſter, in the ſaid city of Cork and liberties thereof; George Roch, Robert Taylor, John Bury, and Henry Roſe, in the ſaid city of Limerick and liberties thereof, and their executors, adminiſtrators, and aſſigns reſpectively, and the perſons ſo to be authorized by the ſaid William lord archbiſhop of Dublin and his ſucceſſors, and the ſaid Chaworth earl of Meath and his heirs, who ſhall be lords of the ſaid liberties of Thomas-court and Donore, or their ſervants or bailiffs within their reſpective liberties, from time to time, and at all times hereafter, as often as there ſhall be occaſion, during the ſaid term of twenty one years, to diſtrain for ſuch aſſeſſment or rates upon any inhabitant, that ſhall refuſe or neglect to pay the ſame, and to make ſale of ſuch diſtreſs or diſtreſſes, deducting thereout what is really due, and alſo reaſonable charges for diſtraining, returning the overplus to the owner, according to the true intent and meaning of this act: and in caſe the ſaid William Aldrich, Hugh Cummin, William Maynard, Samuel Wilſon, Jeremiah Forſter, George Roch, Robert Taylor, John Bury, and Henry Roſe, their executors, adminiſtrators, and aſſigns, and the perſons receiving authority as aforeſaid from the ſaid William lord archbiſhop of Dublin, and his ſucceſſors, or the ſaid Chaworth earl of Meath, and his heirs as aforeſaid, ſhall be negligent in performing their duties in not erecting and fixing of lanthorns and lamps at all convenient places within the ſaid cities and liberties aforeſaid, or in maintaining the lights, and ſnuffing them, and cleanſing the glaſs of the lanthorns, as they ought to be according to the true intent and meaning of this act, that then the ſaid William Aldrich, Hugh Cummin, William Maynard, Samuel Wilſon, Jeremiah Forſter, George Roch, Robert Taylor, John Bury, and Henry Roſe, their executors, adminiſtrators, or aſſigns, and the perſons to be deputed and authorized as aforeſaid by the ſaid William lord archbiſhop of Dublin, and his ſucceſſors, or Chaworth earl of Meath, and his heirs as aforeſaid, ſo neglecting after the ſaid firſt day of September one thouſand ſeven hundred and twenty, being thereof convicted by the judgment of any one juſtice of the peace of the ſaid cities or counties where the offence ſhall ariſe, by the oath of two ſufficient witneſſes at the leaſt, which the ſaid juſtice is by this act authorized to adminiſter, ſhall forfeit for every ſuch default or neglect ſuch forfeitures, as are hereafter mentioned: (that is to ſay) for not erecting and fixing of lanthorns at the diſtance hereby directed five ſhillings each night; and for each and every other of the ſaid offences two ſhillings and ſix pence each night the ſame are to be enlightened, the one moiety thereof to the poor of the pariſh, where the ſaid fault or neglect ſhall happen, and the other moiety to him or them that ſhall think fit to proſecute before ſuch juſtices for the ſame; the ſaid forfeiture to be levied by diſtreſs upon the goods and chattles of them the ſaid William Aldrich, Hugh Cummin, William Maynard, Samuel Wilſon, Jeremiah Forſter, George Roch, Robert Taylor, John Bury, and Henry Roſe, their executors, adminiſtrators, and aſſigns, and of the perſons to be deputed and authorized by William lord archbiſhop of Dublin, and his ſucceſſors, and Chaworth earl of Meath and his heirs as aforeſaid reſpectively, by warrant or warrants

Said perſons may collect money ſo aſſeſſed to their own uſe,

and diſtrain on non-payment 21 days after demand.

Penalties for their neglect of duty,

5 s. *per* night for not ſo fixing lanthorns:
2s. and 6 d. other offences,
8 *G.* 1. 16.
3 *G.* 2. 22. *explained.*

rants under the hand and ſeal of the ſaid juſtice, directed to the conſtable of the pariſh, where the ſaid William Aldrich, Hugh Cummin, William Maynard, Samuel Wilſon, Jeremiah Forſter, George Roch, Robert Taylor, John Bury, and Henry Roſe, their executors, adminiſtrators, or aſſigns, and of the perſons to be deputed and authorized as aforeſaid by William lord archbiſhop of Dublin and his ſucceſſors, and Chaworth earl of Meath and his heirs aforeſaid, ſhall reſpectively dwell; and in caſe ſuch forfeiture ſhall not be paid within three days after ſuch diſtreſs ſhall be ſo taken, it ſhall and may be lawful to and for the ſaid juſtice to ſell and diſpoſe of ſuch diſtreſs, rendring the overplus after payment of ſuch forfeiture, and the reaſonable charges for taking and keeping ſuch diſtreſs, to the owner.

by diſtreſs, and ſale if not paid in three days.

VI. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced or brought againſt any perſon or perſons whatſoever for doing, or cauſing to be done, any thing in purſuance of this act, the defendant in ſuch action may plead the general iſſue, and give the ſpecial matter in evidence; and, if upon ſuch action or ſuit verdict be given for the defendant, or the plaintiff become nonſuit, or diſcontinue his action, then in ſuch caſe the defendant or defendants in ſuch action or ſuit ſhall have double coſts.

Defendants may plead general iſſue, *&c.* and recover double coſts.

VII. And be it further enacted by the authority aforeſaid, That if any replevin or replevins ſhall be brought or proſecuted by any perſon or perſons for any goods or chattles, that ſhall be hereafter diſtrained or taken in diſtreſs by the ſaid William Aldrich, Hugh Cummin, William Maynard, Samuel Wilſon, Jeremiah Forſter, George Roch, Robert Taylor, John Bury, and Henry Roſe, their executors, adminiſtrators, or aſſigns, within the ſaid cities and liberties thereof reſpectively, or by the perſons to be deputed and authorized as aforeſaid by William lord archbiſhop of Dublin and his ſucceſſors, and Chaworth earl of Meath and his heirs as aforeſaid, within the ſaid reſpective liberties, for not making payment for maintaining the ſaid lights therein according to the intent and meaning of this act, then the whole matter in diſpute upon ſuch proſecution ariſing ſhall be heard finally, and ſummarily determined, by and before the lord-mayor of the city of Dublin, and mayors of the cities of Cork and Limerick, for the time being, within their reſpective juriſdictions, and not elſewhere; and as to all matters in diſpute upon ſuch proſecution or proſecutions ariſing within the ſaid reſpective liberties of Saint Sepulchre's, and Saint Thomas-court, and Donore, the ſame ſhall be heard finally, and ſummarily determined, by the reſpective ſeneſchals of the ſaid liberties for the time being, and not elſewhere.

Diſputes on *replevin* finally determined before the mayor or ſeneſchals.

VIII. And to the end that the lamps may be conſtantly kept up, preſerved, and maintained according to the dimentions in this act deſcribed, be it further enacted by the authority aforeſaid, That pattern-lanthorns and irons, whereon they are to ſtand, be always depoſited with the lord-mayor of the city of Dublin, and ſeneſchals of the ſaid liberties, and with the reſpective mayors of the cities of Cork and Limerick; and, in caſe ſuch lamps according to the ſaid patterns ſhall not be duly maintained and kept up as aforeſaid, no inhabitant of the ſaid cities or ſeveral liberties reſpectively, where ſuch default ſhall be made, ſhall be charged with the payment of any ſum or ſums of money whatſoever for and towards maintaining ſuch lanthorns and lights, as are in this act aforementioned, nor unleſs ſuch publick lights ſhall be erected and kept up at the diſtance aforeſaid, with double week, and with a ſufficient quantity of rape oil of the produce of this kingdom, according to the true intent and meaning of this act.

Pattern lanthorns and irons to be always depoſited,

IX. Provided always, that no waſte-houſe, or owner thereof, ſhall be liable to pay any thing towards the ſaid lights for the time it ſhall continue waſte.

Waſte-houſes not to pay.

X. And to the intent that every rule hereby laid down may be performed, be it further enacted by the authority aforeſaid, That they, the ſaid William Aldrich and Hugh Cummin, ſhall on or before the twenty fifth day of March one thouſand ſeven hundred and twenty, on behalf of themſelves, and their executors and adminiſtrators, together with two other ſufficient perſons, to be approved of by the ſaid lord-

2000*l.* ſecurity for performance in Dublin,

A. D. 1719. Chap. 18.

lord-mayor, ſheriffs, commons, and citizens of the city of Dublin, enter into one bond of the penalty of two thouſand pounds to the lord-mayor, ſheriffs, commons, and citizens of the city of Dublin, conditioned for the true performance of all the rules and directions in this act contained, and which on their parts, their executors, adminiſtrators, and aſſigns, ought to be obſerved and performed; to be put in ſuit when ever the lord-mayor, ſheriffs, commons, and citizens of Dublin, ſhall ſee cauſe; and that they, the ſaid William Maynard, Samuel Wilſon, and Jeremiah Forſter, and alſo that they the ſaid George Roch, Robert Taylor, John Bury, and Henry Roſe, ſhall, for themſelves and the perſons to be appointed by the ſaid William lord archbiſhop of Dublin, Chaworth earl of Meath, for themſelves, their executors, adminiſtrators, and aſſigns reſpectively, enter into ſecurity of the penalty of five hundred pounds before the reſpective mayors of the ſaid cities of Cork and Limerick, and ſeneſchals aforeſaid, to the like purpoſes and intents beforeſaid; and that then the ſaid ſeveral perſons reſpectively, their executors and adminiſtrators, ſhall have power to put the authorities in the ſaid act in execution, and not before.

500 l. for the liberties, Cork, and Limerick.

No aſſignment of ſaid intereſt without conſent under common ſeal of Dublin.

XI. And be it further enacted by the authority aforeſaid, That no aſſignment ſhall be made by the ſaid William Aldrich and Hugh Cummin, or their executors and adminiſtrators, of the intereſts hereby veſted in them, or of any part thereof, without the conſent firſt had under the common ſeal of the city of Dublin by the lord mayor, ſheriffs, commons, and citizens of the city of Dublin; and any aſſignment made without ſuch conſent ſhall be and is hereby declared to be void to all intents and purpoſes; any thing herein contained to the contrary notwithſtanding.

Breaking lamps, windows, or palliſadoes, or imbezzling the oil or cotton, 8 G. 1. 16.

XII. And whereas ſeveral diſorderly perſons are found in the night-time breaking lanthorns or lamps, and pulling the irons out of the walls, which are fixed to hold the lanthorns or lamps on, and breaking windows and palliſadoes; which practice being very frequent and pernicious, be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall after the firſt day of September in the year of our Lord one thouſand ſeven hundred and twenty be found to break any lanthorns or lamps, or pull out any of the irons fixed in the walls for the ſaid lanthorns or lamps within the ſaid city, or in the ſaid ſeveral and reſpective liberties, or breaking any glaſs-windows or palliſadoes, or if any perſon or perſons imployed to attend the lamps ſhall imbezle or miſapply the oil or cotton delivered to him or them, and ſhall be thereof convicted by the oath of one or more witneſs or witneſſes before the lord mayor of the city of Dublin, or the reſpective mayors of Corke and Limerick, or any juſtice of the peace within the ſaid cities or liberties thereof, or before the ſeneſchals of the ſaid ſeveral and reſpective liberties, or before any juſtice of the peace for the county of Dublin, each of them within their reſpective juriſdictions, that then and for every ſuch offence the party ſo offending, ſhall forfeit and pay to the uſe of the informer the ſum of five pounds *ſterl.* over and above the damage ſuſtained by any perſon or perſons, who are to be firſt paid and ſatisfied to the value of the damage by him or them ſuffered.

Penalty 5 l. to informer, beſides damages to the party.

XIII. And be it further enacted by the authority aforeſaid, That, upon neglect or refuſal of payment of the ſaid forfeiture and damages, the lord mayor or recorder of Dublin, or ſeneſchals, or the juſtices of the peace of the ſaid cities or county of Dublin, or reſpective mayors of the cities of Corke and Limerick, ſhall and are hereby authorized and required to direct and ſend their warrants to the conſtables of the ſaid cities, liberties, or county reſpectively, as aforeſaid, thereby commanding them to levy, by diſtreſs and ſale of the goods of the offender, the ſum ſo forfeited for the uſes aforeſaid; and in caſe no ſufficient diſtreſs can be had, every ſuch offender, who ſhall not forthwith pay the ſaid forfeitures and damages, ſhall be publickly whipped.

By diſtreſs; or in default thereof, to be whipt.

XIV. And whereas by an act paſſed the laſt ſeſſions of Parliament, intituled, *An act for reviving, continuing, and amending ſeveral ſtatutes made in this kingdom,* reciting

reciting that "an act made at a Parliament held at Dublin in the ninth year of the "reign of his late Majeſty King William, intituled, *An act for erecting and conti-* "*nuing lights in the city of Dublin, and the ſeveral liberties adjoining*, whereby the "ſeveral powers and authorities for erecting and maintaining the ſaid lights by the "ſaid act given and granted to the lord mayor, ſheriffs, commons, and citizens of "the city of Dublin, and the ſeveral lords of the reſpective liberties of Saint Se- "pulchers, Thomas-court, and Donore, are near expiring: it is hereby among other "things enacted, That the lord mayor, ſheriffs, commons, and citizens of the "city of Dublin and their ſucceſſors, William lord archbiſhop of Dublin and his "ſucceſſors, and Chaworth earl of Meath his heirs and aſſigns, who ſhall be lords "of the ſaid liberties of Thomas-court and Donore, ſhould have the like powers "and authorities during the ſpace of two years, from the expiration of the ſaid "act, and from thence to the end of the then next ſeſſion of Parliament, to cauſe "publick lights to be erected and maintained in the ſaid city and liberties thereof, "and in the ſaid reſpective liberties of Saint Sepulchers, Thomas-court, and Do- "nore, as by the ſaid act was given and granted to them," which term of two years will expire and be determined on the thirtieth day of September one thouſand ſeven hundred and twenty one: and whereas the lamps, propoſed to be ſet up by this act, are of a much larger and better ſize, than thoſe now uſed, and are to be light a longer time in each year, than now they are, and at the ſame expence to the inhabitants, and will prove of great advantage to the publick: be it therefore enacted by the authority aforeſaid, That from and after the firſt of September, which will be in the year of our lord one thouſand ſeven hundred and twenty, being the time this preſent act is to commence and take place, all and ſingular the powers and authorities by the ſaid act, intituled, *An act for continuing and amending ſeveral ſtatutes made in this kingdom heretofore temporary*, granted to the ſaid lord mayor, ſheriffs, commons, and citizens, and their ſucceſſors; and to William lord archbiſhop of Dublin and his ſucceſſor, and to Chaworth earl of Meath, his heirs and aſſigns, who ſhall be lords of the liberties of Thomas-court, and Donore, for erecting and maintaining publick lights in the city and liberties thereof, and in the ſaid reſpective liberties of Saint ſepulchers, Thomas-court, and Donore, ſhall be and are hereby declared to be null and void, and of no force, to all intents and purpoſes whatſoever; any thing in the ſaid act to the contrary notwithſtanding.

A. D. 1719. Chap. 18.

Recital of 4 G. 1. 9.

Which will expire 30 September 1721.

the lamps in this act larger; to be light longer; and at ſame expence.

the powers by ſaid act granted, void from 1 September 1720. *vid.* 33 G. 2. 18.

The END of the FOURTH VOLUME.